VIII
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Minute on the
Coolg Question

Year: 1841

Sub: Emigration

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MINUTE ON THE COOLY QUESTION.

1. I very much regret that I have found myself, after the most careful perusal of the evidence, and the most anxious consideration of the important question before us, unable to concur in the Report of the majority of the Committee. I should have wished, if possible, to confine the Minute of my individual opinions to a mere note of the essential points wherein I am unable to agree with the Report; but I have found it impossible to do this with justice to the great importance of the question, or consistently with that respect which is due to the mature opinions of the majority of the Committee, and which I sincerely feel for them.

Unable to concur with Report.

2. The point on which we differ is certainly no trifling point. It is, as I conceive it, no less a question than this, whether the whole of the labouring population of the vast portion of Her Majesty's Territories entrusted to the Government of the East India Company ought, or ought not, to be as free as the rest of Her Majesty's subjects in respect to the disposal of their labor, and their right of going about. Holding, after all the thought I can give the subject, the affirmative of this question, and being one of a small body honored by the commands of the Indian Government to examine and report upon the matter, I shall not, I am sure, be blamed for declining to sign a Report, which, according to my understanding, advocates the negative, nor for submitting, with deference, the grounds of my opinion. But, unfortunately, I cannot explain the result of the inquiry, according to my view, without writing a long paper out of all proportion to the value of my opinion. For though my conclusion is directly contrary to that of the Report in this essential point, there is a great deal in the Report in which I agree; so that if I were to follow the Report step by step, it could only be by a perpetual system of modification in respect to the inferences which it draws from our enquiries into facts, and of qualification in respect to arguments which I think carried too far, and conclusions which I think too general, that I should be able to shew reason for my own view of the grand question at issue. The less tedious way will be to follow my own line, referring to the more prominent parts of the Report as they fall into my argument. My Minute shall be almost restricted to this one point; for I have very little to say on any of the less important points treated of in the Report.

Point on which difference arises.

3. One of the six Committee men appointed, Major Archer, has left India. I believe he has put his opinions in writing in England, but I have not seen them. Two are dissentient, Mr. Dowson and myself. We have thought it best to enter separate Minutes. I have seen Mr. Dowson's Minute, and it will not seem strange that I have to explain that I think more unfavorably than he appears to do of the Cooly Trade, as it was carried on, of the treatment here of the laborers engaged,

Views of the several Members of Committee.

before embarkation, and of the treatment to which generally they were subject in Mauritius. In these particulars, so far from objecting to the opinions of the majority, if I had agreed in the great conclusion of the Report, and so been competent to sign it, I should have felt it my duty to move for a more pointed expression of opinion in certain respects.

ORIGIN OF THE INQUIRY.

Commencement of the system.

4. About the year 1835, Indian laborers under contracts, to serve for five years, began to be exported largely to Mauritius, and Bourbon. By the end of the year 1836, there were about 4000 in Mauritius alone.* It has been computed that before the middle of the year 1837, about 19,000 laborers had been exported from India to Mauritius, and Bourbon, of whom about 8000 were from Calcutta, a greater number from Pondicherry, and some from Cochin.* Great abuses in the treatment of Coolies sent abroad having become notorious, whilst the number exported continued to increase rapidly, the Government of India, in communication with the Government of Mauritius, took the subject into consideration, and passed a law for the regulation of what had become a systematic trade. This law had for its chief objects the protection of the laborers before embarkation, the prevention of laborers being forcibly or deceitfully sent away against their will, the ascertainment of the fact of the voluntary and intelligent consent of the laborer to go and serve under his contract, and the comfort and proper treatment of the laborer on board ship. What regulations should be made in the Colonies for the proper treatment of the laborers after their arrival there was of course beyond the province of the Indian Government, but the subject was taken up by the Colonial Government, closely watched by the Government at home. The first Indian Act containing these Regulations* (No. 5 of 1837) came into operation on the 1st of June 1837,* and was applicable only to the ports in Bengal; the second Act No. 32 of 1837* extended the same Regulations to all the Ports in British India. It should be noticed that these Acts applied only to Natives of India embarking *under contracts* to serve out of India, no necessity being apparent for making special Regulations for any persons embarking otherwise than under contract. It is admitted that the operation of these laws was to a certain degree beneficial. On the 22d of June 1836, the Governor of British Guiana passed a law for that Colony, which was confirmed with amendments by His late Majesty in Council on the 1st of March 1837, having for its objects the protection of all articled servants or laborers under contract to serve for a fixed time, imported in that Colony,* and the prevention of the system of making articled servants become degraded, in substance, into something approaching to slavery. On the 12th of July 1837, another law for Guiana was passed by Her Majesty in Council, extending the limit of the term of contract from three to five years in the special case of laborers from the East Indies.* Of the result of the operation of these laws we in this country have no information. On the 2d of November 1836, the Governor of Mauritius passed two laws (Nos. 16 and 17) affecting laborers in that Colony. These laws are not given in the printed papers before us, but their substance may be inferred from what is given.* These laws are remarkable as they seem to have had objects contrary to the objects of the laws elsewhere passed, before alluded to; inasmuch as these laws contain extraordinary provisions for the special protection of Masters, and the subjugation of all laborers, especially those emigrated from India, to extraordinary and rigorous coercion. These laws, however, were immediately disallowed by His late Majesty in

* See Mr. T. C. Scott's paper para 4. in return to address of H. of C. 22d Feb. 1838, p. 134

* Evid. 2, 74.

Abuses noticed.

Regulating Acts passed in India.

* Appx. page 276.

* Evid 2, 70.

* Appx. page 278.

Applicable only to Articled Laborers.

Regulating Acts passed for British Guiana.

* Return to address of H. of C. 22d February 1838, p. 3. 24.

* Return to address of H. of C. 22d February 1838, p 34.

Laws of an opposite nature passed in Mauritius.

* Ditto p. 50 et seq.

Which are disallowed.

Council,* and it is to be inferred that Indian laborers are now under the general laws of the Colony, and that all disputes between Master and servant fall under the cognizance of the regular Courts of Justice,* local Courts having been introduced to afford to both parties speedy and accessible justice.* For the sake of having in a Colony, in the present circumstances of Mauritius, tribunals unconnected with the local feelings of one class of the community, the last printed paper in the Return so frequently cited above, in the margin, contains the desire of Her Majesty's Government that Special Justices be substituted for the Civil Commissaries as the Judges of the local tribunals above mentioned * And we have private information of this having been now carried into effect in Mauritius, as it had before been in British Guiana. In the same Despatch suggestions are conveyed for shortening the limit of the term of contract allowed, and enabling the laborer to annul it on payment of compensation, after the example of the law in British Guiana. We have no information of these last suggestions having been adopted in Mauritius.

* Ditto page 67.

Present state of the Law in Mauritius.

* Ditto page 108.

* Ditto page 112, 118.

* Ditto p. 148.

5. We have no information of the state of the law in regard to emigrant laborers in any other of the British Colonies.

No information as to Law in other Colonies.

6. In consequence of reports which were received in England of the treatment of the Coolies, chiefly in respect to cases which occurred before the passing of the first of the above mentioned regulating Acts of the Indian Government, some of which doubtless rumour had exaggerated, but which nevertheless had too much foundation in fact, a considerable excitement was occasioned in England against the export of Coolies, a trade which was thought to threaten a revival of the Slave Trade. In Calcutta also similar fears were most conscientiously entertained, and at a meeting held at the Town Hall, on the 10th of July, 1838, a petition to Government was voted, praying that a full inquiry into the trade should be instituted, and that all further shipments of Coolies should be suspended, "until it is proved "that the emigration is fraught with as great advantage to the Indian Emigrants "as to the exporters and employers themselves."* A counter-petition, dated the 23d of July 1838, was presented to Government by several Merchants of Calcutta connected with the Mauritius trade.* A little before this time the Government of Bengal had determined to grant no more permits for the embarkation of Indian laborers to the West Indies, pending the inquiry into the matter then about to be instituted, as it was supposed, in England. This determination was approved by the Government of India, and the Madras and Bombay Governments were requested to follow the same course, on the 11th of July 1838.* About the same time permission to ship any more Coolies to Bourbon was refused.* Up to that time, and since the operation of Act No. V. of 1837, of men, women, and children, 427, has embarked from Calcutta to Demarara and Berbice, 89 for New South Wales, 60 for Bourbon,* 4 laborers and 1 domestic for the Cape of Good Hope, and 4 silk winders for Batavia, according to Captain Birch, the Superintendent.* All the other embarkations had been for Mauritius—excepting to Mauritius or Bourbon, I believe no embarkation took place from Calcutta before the operation of that Act. The same is I believe true of Madras and Bombay. To Mauritius, within the same period, 7317 laborers had been embarked from Calcutta.* After that time only two embarkations were permitted, even to Mauritius, consisting of 222 laborers. These occurred in August 1838. As far as our information goes no

Excitement in England against the Export of Coolies—

And in Calcutta.

Petition against the trade.

* Appendix p. 284.

Counter-petition.

* Appendix p. 280.

Permits to export to West Indies refused.

* Appendix p 275.

And to Bourbon.

* Appendix p. 170.

Number of Coolies exported under the Acts.

* Appendix p. 181.

* Id.

laborers appear to have been ever exported from Madras, under the contract system, to any place out of the territories under the Government of the East India Company, *(a)* except Mauritius.* The same would also appear to have been the case from Bombay.* The great export of Indian laborers for Bourbon must have been from the French Port of Pondicherry, whence also many laborers appear to have embarked for Mauritius.*

* Appendix p 326.
* Appendix p. 304.
* Appendix p. 180.

Return to address of H of C. 22d February 1838, p. 105-7.

Appointment of the Committee.

7. On the 1st of August 1838, our Committee was appointed with orders "to make the alleged abuses of the existing system the subject of specific investi-"gation, with a view to their correction as far as may be found practicable."* Committees were soon afterwards appointed in Mauritius, Madras, and Bombay, for the same purpose. A copy of the Report of the Mauritius Committee was, as I have ascertained, received by the Government here, but it was unfortunately sent home without any transcript having been kept for record here; consequently none of us have been able to see that Report. I have not heard whether the Madras Committee have reported. The Report of the Bombay Committee will be found in our Appendix.* Shortly after the commencement of our inquiries, and before we had time to make any report, or to come to any determination, the export of laborers was stopped by order of the Executive Government, which refused to grant any more passes, though the law by which such passes were claimable remained for several months longer in force. On the 17th of December 1838, the Draft of a proposed Act was read in Council, and published, for the repeal of Acts No. V. and XXXII. of 1837, and for the prohibition of the emigration of all Indian laborers, which was passed into a law on the 29th of May 1839.* We know from the reports of the Proceedings in Parliament, and from announcements made in the English Newspapers, that these prohibitory measures were the result of specific orders from the Home Government, and that they were not the result of any inquiry, but were ordered at home to be adopted here as precautionary measures, pending the full investigation of the subject. We have lately seen that a Clause in a Colonial Passenger's Bill, which would have superseded this Indian Act, and reopened the Cooly trade under regulations, was rejected by Parliament, who would not alter the law till the opinion of the Indian Government should be before them. This Indian Act, therefore, No. XIV. of 1839, is still the law, though still only a provisional law.

* Appendix p. 274.
* Appendix p 304 et seq.

Export of Coolies stopped.

Prohibitory Act passed

* Act No. XIV. of 1839

PROHIBITORY ACT EXAMINED.

Appendix to Minute No. 1.

8. This law is very remarkable—as it is not given in our Appendix, I have appended a copy of it to this Minute.* Not content with getting rid of the whole of the abuses complained of by the rough method of prohibiting entirely the system in which these abuses existed, it imposes strange and servile restrictions on the liberty and means of livelihood of many millions of people, in matters which as yet have never been alleged to have been practically subject to any abuse whatsoever. The system of hiring laborers under contract to serve in distant parts for long terms had been the source of grievous evils. Two courses were apparently open; first, either to regulate the system, in an improved manner, so as to obviate the evils; or, secondly, as a last resource, pending enquiry, to put a stop altogether to the system which had been abused. This law (Act No. XIV. of 1839,) adopts the

(a) In October 1838—34 men appear to have sailed for Acheen.

ultimate remedy. Whether in so doing, without attempting milder measures, it was right, is a matter for grave debate. But it goes greatly beyond this, for it interferes, by absolute prohibition, in a concern which has never been involved in any abuse whatever. The abuse, and the only abuse, related to laborers going, under contracts, to serve for a term. But this law prohibits all the laboring population of this immense portion of the Empire, including skilled laborers or artisans, as well as unskilled laborers, from going of their own accord, as free intelligent workmen, unfettered by any contract, from hence, where their labor may be unable to feed them, to other portions of the Empire where their labor may be invaluable. This is a simple statement of the effect of the law. That to justify such a law a case of necessity must be made out, there needs no argument to prove. That no such case has been made out is certain. I have never heard it seriously argued that any evils to the emigrant are likely to arise from the spontaneous emigration from India to any British Colony of a laborer unfettered by any contract. Certainly there is not a shadow of evidence before us that any evil has ever actually happened from that cause in any one solitary instance. Had such instances existed, considering the feeling with which the Export of laborers was regarded in Calcutta at the time we sat taking evidence, they must have been brought to our notice. That this part of the existing law is therefore unnecessary, even as a temporary measure, for any good purpose, seems to me demonstrated. But if so it is an impolitic and unjust law. In some of the Slave States of America, we are told legislation is very active in respect to the egress and regress of free coloured people; and in Russia and elsewhere the laborers are still serfs incapable of moving from the soil to which they are attached. But these are not examples for imitation.* To confine the laborers of a Province to the soil of that Province, or the laborers of a collection of Provinces, such as our Indian Empire consists of, to the soil of the same, seems to me, but a lower degree of the barbarous system which attaches a serf to the lord on whose soil he was born, or imposes special restrictions on the movements of free coloured native subjects.

This Law prohibits spontaneous emigration free from contracts.

In which no abuses have been alleged.

9. It will be no answer to say that this law practically does little harm, because there are few Indian laborers, who have the means of emigrating without purchasing their passage by coming under contract, that are desirous of emigrating beyond the territories under the Government of the East India Company. If this supposition be true, the law cannot possibly do any good, and it should, I submit, be repealed if only for the sake of principle and appearances. Whether this supposition be true or not, at the present moment, I cannot pretend to say, seeing that we have no evidence on the point. That it is not likely to be true at this moment I may safely affirm, seeing that Ceylon is one of the proscribed places. Any fisherman that rows an Indian laborer across Adam's Bridge will be liable to fine and imprisonment, for abetting an Indian in the new crime of seeking to earn an honest livelihood, by the sweat of his brow, a few miles from his home. That, however the case may now be in regard to the general want of means for spontaneous unfettered emigration, this want will immediately cease, is certain, if the scheme of the Mauritius Committee for the encouragement of free emigration takes effect. To that scheme I will allude in another place.'

Practical effects of this Law

* See para. 127.

This law is unwarranted and objectionable as going beyond the case alleged.

10. Whatever be determined regarding the systematic exportations, by capitalists, of laborers, under articles to serve in the British dominions for fixed terms, or whatever may be determined regarding the systematic exportation of laborers to foreign territories, where their condition may be doubtful, and where the Crown would be unable to protect them, I must report my decided conviction, (but I do so with sincere deference to those who have thought otherwise) that the absolute prohibition of even temporary emigration to working men, Natives of India, free to choose their own masters, is an extreme measure, which is not only wholly unwarranted by the result of our inquiries, but wholly unwarrantable even if the clamor raised about the Cooly Trade were true to the letter. It is to be noted that this law allows of no exceptions, but in cases of sailors and menial servants. It applies to every sort of laborer, the narrow wording of the very exceptions pointing out that the term is used in its most general sense; for a sailor and a domestic are not in common speech called laborers. If this law had been in force in August 1837, the four silk winders who sailed to Batavia then, and who are probably wealthy men by this time, could have found no ship to take them.* How far this selfish system is wise, in a country which has so much more to learn than it has to teach, may deserve consideration. We are glad to make it worth the while of Flemish laborers to come to India to prepare flax; of Chinese laborers to come to cultivate tea in the pestilent jungles of Assam; and of Americans to come to India to cultivate cotton; and we do not approve of the conduct of some American patriots, who would have prevented these last from being engaged. If it can be imagined that a highly respectable American gentleman should come to India to engage a few silk winders, he would not indeed be threatened with violence by the mob, but under this act he must, I apprehend, be fined and imprisoned by the Magistrate.

The prohibition is rigorous.

Its policy doubted.

Opinion against this Law.

11. Holding these opinions of this law, intimately connected as it is with the subject on which it is our duty to report freely the result of our examination, and to give our suggestions, I cannot sign a Report, which, in substance, upholds this Law.

COOLY QUESTION EXAMINED.

12. Passing from this part of the question, we come to the more special case of the export in great numbers of Indian agricultural laborers to British or Foreign Colonies, under contracts for long terms of service: and here the chief practical question has reference to the Islands of Mauritius and Bourbon alone. On the one hand it is admitted that great abuses have existed; and that this wholesale exportation may reasonably be a matter for regulation; and it is not contended that it is impossible in the nature of things for circumstances to exist that would make it just and wise absolutely to prohibit the large exportation of articled laborers from India by Capitalists elsewhere. On the other hand it must be admitted that those who propose prohibition must prove the practical necessity thereof, by showing beyond a doubt the impossibility of wholly checking the abuses by means of any Regulation, and by demonstrating that the evils of those abuses which the wisest Regulation

The point of the Inquiry stated.

* I speak of the intention of the framers, as shown to all unlearned persons by the exceptions. A silk winder is as much a laborer as a sailor or domestic servant. The law to be sure is highly penal, and would be strictly construed. What classes not being idle men of fortune would escape it, in a Court of Law, of course I cannot say.

will fail to check, are, in this special case, greater than the general and peculiar evils which are involved in the prohibition.*

Remarks on the general principle of free labor and free movement.

13. I do not find it denied in the Report, that as a general principle, interference with the natural arrangement of labor in any one empire ought to be avoided, except in some special case of necessity; nor that to force any class of the subjects of one Sovereign to stay in or to depart from particular ports of their common territories, is a strong measure, which nothing but necessity can justify. This is slightly acknowledged in para. 26 of the Report; but I must say that I think the principle much too lightly treated. The principle is not a doubtful one; it is not the fancy of a few speculative men. It is sanctioned by nature, reason, and experience. It is common law in England, and common sense every where. Neither are the interests involved in the application of the principle, in this instance, so trifling as to be lightly considered. The prosperity or existence of whole Colonies, and the liberty of tens of millions of British subjects, are not light matters. I confess that I think these things have been too lightly treated in the Report. If the recommendation of the Report is adopted, we have opinions before us that Mauritius must be ruined; and it is unquestionable that the mass of our Indian fellow subjects are no longer free men as before. These are startling results. I do not say that no unavoidable circumstances could warrant the recommendation; but I do say that all thinking persons have a right to demand of those who make so remarkable a recommendation the fullest proof of the necessity of the step suggested; and I submit that every less objectionable alternative, which holds out any reasonable prospect of success, ought to be actually tried, and tested by sufficient experience, before the most arbitrary Government in the world would be justified in acting upon the suggestion.

To warrant restriction, a strong case of necessity must be made out.

Facts of the case examined.

14. Upon these principles I proceed to examine the facts of the case before us, as far as our evidence, and every other available source of information we have in India, enable us to do so.

Effect of immigration upon the freed men of emancipated Colonies.

This is no ground for Indian or General Legislation.

15. There is one preliminary question of great importance in a general view, which all must admit to be a legitimate object of scrupulous consideration; viz. the effect which the large importation of laborers from other British Territories may have on the fair prospects of the lately emancipated slaves of the Colonies in which they may arrive. But this great question, which is not lost sight of in the Report;* having no relation to the circumstances of India, will doubtless have been fully reported upon, in respect to each Colony, by the persons appointed to inquire into the matter there, and will be separately considered by the Colonial Governments, and by Her Majesty's Government at home, with especial reference to the actual condition of each Colony. It is evidently not only a temporary question; but one which admits of different answers in respect of different Colonies. Of the West Indies, as regards this question, we have no information beyond that contained in the Parliamentary Return above cited, and I need not therefore allude to them. Of Mauritius, however, on this point, we have a good deal of information. As the

* Para. 26.

This admission is not, I think, so broadly made, in the Report, as it might have been; but I will not waste words in support of the statement of the question as here made.

chief practical question, as it affects Indians, at present respects that Colony, and as evidence reported by us can be liable to no imputation of undue bias from interested motives, I will briefly refer to it.

In Mauritius great room for more laborers.

16. Our evidence leaves no doubt that there is ample room in Mauritius for a great number of extraneous laborers, over and above the Indians now there, without unduly interfering with the market for the free labor of the emancipated Negroes. That there is abundance of work for a very large number of additional laborers is proved by the well known fact that only about half the land capable of growing sugar cane profitably is yet cultivated, for want of laborers. Without relying on the opinions of proprietors of land in Mauritius,* we have the formal opinion of the Secretary of State in 1838, that the possibility or probability of such an excessive importation of Coolies as would press unduly on the means of subsistence of the lower orders in the Colony was a question, at all events, of no immediate urgency.* We have also the opinion of Mr. Scott, of the Bengal Civil Service, who paid much attention to this subject when visiting Mauritius, that a great addition might be made to the number of laborers for some years to come without any fear of equalling the demand;* and the evidence of Mr. Cracroft, of the same service, shews that the emancipated slaves felt any thing rather than want of work.* There is much more evidence to the same effect,* and the fact of the high price of labor obtainable by the Negroes is conclusive.*

* See in Parliamentary Return above cited the opinion of Messrs. Thomas Blight and Sons, p 85, of Mr. West, p 88, and of many others.

* Parliamentary Return above cited, p. 147, para. 9.

* Id. p. 137.

* Evid. Q. 1026.

* See para. 1 of the letter of Mr Shaw, Judge of Tipperah, B. C. S. App. p. 329, para. 18 of letter from Dr. Wise, M. D. S. p. 337.

This question only applicable to the old Slave Colonies.

17. This question does not apply to New South Wales, Van Dieman's Land, and Ceylon, nor practically, I imagine, to the Cape of Good Hope, but the prohibiting law affects them all.

Alleged evils as regards the laborers considered.

18. We now come to the facts or assertions which are put forth as making up a case, for the sake of the Indian laborers alone, to justify the extreme measure of absolute prohibition that is recommended. And here it is of the utmost importance to receive every statement on both sides of the question with caution; and soberly to allow its true value, and no more, to every proved fact. There has been plenty of declamation both in India and in England on this subject, and there is now no need, for the sake of humanity, to rouse men's feelings by general charges. Important interests and rights are at stake, which demand that the whole case shall be grappled with point by point.

Each alleged evil must be considered in detail.

19. The evils in the aggregate may be monstrous, yet the case for the prohibition will not be made out unless each item allowed weight in the aggregate of evils is shown, apart from all other items, to be unavoidable by natural and less objectionable provisions than the one proposed. It is in this step (I say it with submission) that the argument of the Report appears to me to break down.* We have the opinions

Paras. 26 to 32.

* This is admitted, and indeed enforced, in the Report, though another inference is drawn from the fact—see para. 26. See also Evid. Qys. 58, 301, 814, 1050. A Dollar a day seems to be the rate for hard labor on the wharf, half that for ordinary labor in the town, from five to eight Dollars a month *besides rations*, for the limited labor of an Apprentice, and this rate rising. Mauritius is certainly a very dear place, but when this rate of pay is measured by comparison with the cost of the food or rations of a working man, which in the case of Indians is estimated by Mr. Dowson at $\frac{262}{153}$ Dollars a month,* the rate of pay will appear to be extremely high.

* See App. to Mr Dowson's Minute, p. 21 of printed Report.

broadly expressed, of gentlemen whose opinions are of great weight, on this and on all questions; but still I cannot yield my conviction, because I am not allowed to examine, *in detail*, the grounds on which that opinion is founded. . These evils may all be classed into three divisions; abuses in India; abuses in the passage; and abuses in the Colony.

II. ABUSES IN INDIA CONSIDERED
1st. Kidnapping.

20. The first class is the abuses in India practised upon the laborers before embarkation. The chief of these is the system of kidnapping which has existed. This is noticed in paras. 14 and 15 of the Report. Before the enforcement of the Regulations of Act No. V. of 1837 (1st June,) the evil appears to have existed to a frightful extent,* but this fact bears neither one way nor the other on the question I am arguing. There is no debate as to the necessity of regulation, and of effective regulation. Hence I agree with Mr. Dowson in thinking that para. 17 of the Report is open to objection. The argument of that paragraph is that Captain Rapson's voyage in command of the Sophia in 1836, (when nearly two-thirds of the Coolies taken were without any pass from the Police, and were embarked between Calcutta and the mouth of the River,) proves that the *laws* and *regulations* of Calcutta restrictive of the illegal export of Coolies can be evaded to any extent with ease. In the next paragraph of the Report the same argument is turned against the efficiency of the Laws and Police Regulations of Mauritius. I do not feel the force of the alleged proof, seeing that when that voyage was made no "law" nor "regulation" existed restrictive of the export of Coolies from Calcutta; nor was any sort of export of Coolies, not involving a breach of the common law, illegal; nor could any Master of a vessel be prevented from shipping any number of Coolies in any part of the river with or without Police passes; nor was any attempt to oppose such shipment ever (to the best of my knowledge) made; nor was any person appointed to superintend the embarkation of laborers; nor was any Magistrate, having any jurisdiction between Calcutta and the sea, ever concerned even extra-judicially in the matter; all which was notorious at the time. How then from this embarkation of Coolies with or without passes below Calcutta, any inference can be drawn, except that when people are not compelled to do otherwise they will occasionally please themselves, in the embarkation of Coolies as in other matters, I do not see it. It is plain that the Committee have been led (not unnaturally) to draw their inference by para. 6 of Mr. Secretary Prinsep's letter to the Colonial Secretary of Mauritius, dated the 29th of June 1836,* which, having been written before the Sophia sailed, speaks of "the Rules and Orders in force at this Presidency," as requiring that the Police should ascertain that the Coolies embark voluntarily, &c. What these rules and orders were we do not know, but certainly they were not laws which could be enforced if objected to. This is almost proved from the mere fact of the passing of Act No. V. of 1837; and it is quite proved by

* See Parliamentary Return above cited, p. 107.

* See a story of a woman dragged by three Coolies going to Mauritius, and so carried off by them, who was yet not allowed to return though she vehemently prayed to do so, "as having been illegally and forcibly" transported, because she was "shipped as a Cooly," *in Mr. T. P. Woodcock's paper Parly. Return above cited, p.* 132. A case where out of 356 Coolies only 25 or 30 answered to the names by which they were shipped. *Evid.* Q. 7 *and* 14. A case of endeavouring to kidnap a woman who was dragged and shut up in a box. *Evid.* Q. 166.

An infamous case of endeavouring by force to kidnap a woman providentially rescued, in which several Europeans seemed to have acted as ill as Native Arkotiee could have done. *Evid*, Q. 1015 *to* 1017. See also *Capt. Birch's Evidence*, Q 157 *and* 164, and *Mr. McCann's*, Q. 254.

the Resolution published as a preamble to the Draft of that Act, when read in Council a first time on the 6th of March 1837, from which I give an extract in a note. *(a)* It is clear that the Chief Magistrate used to explain their agreements to such Coolies as certain Agents chose to send to him for that purpose; but it is equally clear that *restriction*, either in law or fact, did not exist.

21. I do not recollect that our evidence shows many certain instances of kidnapping, since the enforcement of the regulations of Act No. V. of 1837. I mean by kidnapping the conveyance away by force, or by fraud, of persons acting involuntarily *at the moment of embarkation.* There is the case of Ameen, who was intoxicated, and sent on board insensible, in November 1838. He was returned, as he did not answer to his description ticket, and probably he had been changed shortly before embarking for another man, who had gone before the Police. Other instances of similar statements having been made are reported; but these statements were made some time after the parties had arrived in the Colony, and were unsupported by proof.* There are the cases of Bhelah and Muhded, who, if not absolutely kidnapped, were at least sent off against their wishes, and without going before the Police, both of whom were returned. There were probably other cases; but I see no reason to suspect that *since the Act*, Coolies trepanned and sent to Mauritius have in any instance not had the option, immediately on arrival, when examined before the Commissary of Police there, of being immediately sent back to Calcutta, free of cost.

* Appendix, p 195, 196

Better precautions to prevent kidnapping might have been taken.

Some precautions suggested.

22. I am very far from thinking that every available precaution against the great crime of kidnapping was adopted either by the law of 1837, or in its practical enforcement. One most essential precaution was omitted, viz. the inspection of the Coolies *on boardship*, and the grant of a licence to sail with them as the last act before the vessel breaks ground, after which act no more Coolies should be allowed, on any pretence, to be received on board.* I have no doubt that Coolies were changed between the inspection at the Police and the embarkation; and these were probably the only cases of Coolies sent on board under permits who were ignorant of their destination. So also the permits were not given to the Cooly but to the shipper.* If each Cooly had received his own permit into his own hands at the Police, and if none had been allowed to go on board who did not voluntarily produce his permit to an officer on board, abduction under permits granted to other persons paid to personate Coolies at the Police, and any sort of forcible abduction would have been impossible. But the result of such measures of precaution and restriction as were used, although in my opinion, experience has shown that these were very imperfect in their details, as compared with the result when no effectual measures of precaution were taken, and when no legal restrictions existed at all, *(b)*

* See Evid. Qs. 112, 113, 114, 118.

* See Evid. Q. 120.

Opinion that this abuse may be entirely prevented.

(a) "It hence becomes incumbent on the public authorities in India, while they in no respect restrict "the liberty of private agreements, to see that all the contracts of service purporting to be executed by such "individuals, are duly comprehended and voluntarily agreed to by them. The cognizance of such contracts by "the Public Officers has been felt to be so advantageous to all parties, that the practice of exhibiting con-"tracts before the Chief Magistrate of Calcutta, *has been very generally adopted by the Agents by whom the "laborers are hired for service.* It is now judged necessary upon all the information which has been received "by the Supreme Government, to confirm this practice, *and to give it the force of Law.*"

(b) See Appendix Exhibits No. 3, p. 184, as to the examination on arrival. But the evidence of the cessation of kidnapping as a system must necessarily be of a negative character—see however Qs. 752, 803, 822.

has convinced me that a well regulated and well controulled exportation of laborers will effectually prevent kidnapping. In this one particular indeed, it seems to me certain that a well regulated export system must have a great advantage over absolute prohibition, as moderate duties destroy smuggling, while a prohibitory law creates it.

23. Not only then do I differ from the Report by denying that the futility of all regulation can be inferred from facts that happened when no operative regulation existed; but further I maintain that the same cannot be inferred because any number of instances of failure occurred in a system of regulation which was avoidably defective.

Difference with the Report on this point.

24. The second great evil, before embarkation, approaching in its character to kidnapping is, that Coolies who did not wish to go to Mauritius were nevertheless, when brought up to the Police, induced formally to consent to go from the belief "that they were liable to penal consequences if they expressed dissatisfac-"tion at being sent on boardship." This is mentioned in para. 13 of the Report. I believe that this was so in many cases. But we have evidence that it certainly was not so in all cases, because Captain Birch tells us at one time, out of a batch, four or five Coolies, who did not appear to have more than average intelligence, used to decline to go when the contract was explained to them at the Police.*

2. Fear of the Police operating as an inducement to emigrate.

* Evid. Qs. 151, 152, 153.

25. That this impression existed to a great degree we have sufficient evidence. Mr. Boaz* found some Coolies whom he interrogated, who had returned from Mauritius, averse to complain of their treatment there, till they found he was not a Government servant, and that Captain Birch, the Superintendent of Indian Laborers in Calcutta, who had just sent these men to be examined by Mr. Boaz, would not be offended with them for telling the truth. Mr. Clarke gives the following statement of what occurred when he and Mr. Hare set free about a hundred or more Coolies kept in durance in a house in Calcutta. "I recommended them if they had "any complaint for having been locked up, or beaten, to go to the Police. This "produced a great shout and clamour among them, and they all objected to go to "the Police. They said the Chowkeydars would force them on boardship—some "of them made use of the Sergeant's name, some said the Chowkeydars, and from "two or three of them I heard the name of Captain Sahib, by which I understood "that they meant Captain Birch."* Mr. Dias, who questioned some Coolies rescued by the 24-Pergunnahs' Police from being shipped by some Duffadars, as to their reason for consenting before the Calcutta Police to go, and saying before the Magistrate of the 24-Pergunnahs that they would not consent, states that "they "answered that they were previously informed by the Duffadars that the Magistrate "would force them to go, if they withheld consent, and that all non-compliance "would be punished."*

* Evid. Q. 9, at page 163.

* Evid. Q. 693, p. 80.

* Evid. Q. 767.

26. But I do not think that this impression, how universally soever it may be supposed to have existed, will, after examination, be received as an argument in favor of absolute prohibition. It was a very natural plan to make over to the Police the duty of protecting these poor people: but experience has shown that it was an unfortunate plan. Failure having been ascertained in one particular of a new

Causes of this evil.

undertaking, what is the sensible course? Not to abandon the whole undertaking as hopeless, without examination; but to discover the causes of failure, to remove them if possible, and so to profit by experience. The Police in India are ill constituted for the duty of being special protectors of Coolies; that is now plain; but this does not prove that Coolies cannot be protected. It may be an English, but it is not an Indian habit to look to the Police for *protection*. Spite or natural resentment often takes natives to the Police, but I believe fear, or a real wish to be protected has seldom that effect. I shall not be misunderstood as casting any imputation on the Magistracy, or the Superintendent of Police, for we all know the wretched tools they have to work with. Knowing this, we need not wonder that in Calcutta and out of it all men are anxious to have the least possible connexion with the Police. In the ideas of poor persons the oppression and extortion of Native Police men, and the pounding of bricks in the House of Correction, are intimately connected with all thoughts of the Police. This is a general truth, originating in the state of society here: but the natural feeling was in this case strengthened by peculiar circumstances, which must have had great weight with timid and ignorant Coolies. We have undoubted evidence, to which I will refer in another place,* that the subordinate Police Officers, through whom the poor acquire their only notions of the Police, were often openly and notoriously engaged, not in protecting the weaker party, but in assisting the Agents employed by the exporters in their most oppressive and illegal conduct towards the Coolies.

* See paras. 35 and 36, and note to para. 31 of this Minute, and the Evidence there cited.

27. The law authorized the Superintendent of Indian Laborers to levy a fee on every laborer receiving a permit,* out of which all the charges of the Superintendency and Registration were to be defrayed—I think this was incautious, and that it would have been better to pay fixed salaries to all employed. In saying that in this the law was incautious, I must not be understood to hint that this fee ever induced the Superintendent to urge a permit on an unwilling Cooly, or disinclined him to attend to his refusal. In this case I need hardly say that I am sure it did not: and in no case need it be feared that such a consideration as this would operate upon any person who is ever likely to hold this honorable office. But the evil was this—as the Orders of Government granted the Superintendent of Indian Laborers no establishment, but what he chose to pay out of these fees,* that Officer, being also Superintendent of Calcutta Police, was obliged either to employ his Police men in the business of his Office of Superintendent of Indian Laborers, or else to engage for that business men of whose very means of livelihood depended on these fees. We can trace specifically one of the indirect evils of this error of principle, as I humbly conceive it to be. The Superintendent of Police, in his capacity of Superintendent of Indian Laborers, being authorized to take a fee of one Rupee from the Cooly's Master, the Deputy Superintendent of Police, who had no official concern whatever with Indian Laborers, took a fee of one Rupee from the Cooly himself, without any authority at all, but that of the Superintendent.* By the interference of the Deputy Superintendent, I freely admit that the Cooly was a great gainer, as he paid the Rupee for a summary audit of the accounts of the Duffadars against him, whereby he was saved from much greater exactions on the part of the lower Agents of the exporters,* and secured, if it was not taken from him afterwards, besides his ket, valued at five Rupees, a cash payment of one-third of his six months' advance of wages.* Here still it is the principle that seems to

* Appendix, p. 277, Sec. 9, Act V. of 1837—Appendix, p. 279, Sec. 10, Act XXXII. of 1837.

* Appendix, p. 163, para. 4, of Mr. Secretary Prinsep's letter to Captain Birch, of 17th May, 1839.

* Evidence Qs. 207 to 216, 242 to 244. 140, 149—Appendix, p. 239.

* See Evid. Qs. 752, 822.

* Evidence Qs. 224 & 225.

me objectionable. We cannot tell how much further this system of fees may have gone down the scale of Police men, it may have silently extended to persons less trustworthy than the respectable Deputy Superintendent, and at any rate it must have tended to confirm, in the minds of the Coolies, a notion of all the Police Authorities, from top to bottom, being interested in getting them to go under contracts to Mauritius.

How this evil is avoidable.

28. I submit that from the effects of an imperfect system, such as this, the errors of which are clearly traceable to causes easily removed, it cannot reasonably be inferred that with our present experience no better system can be adopted, which would be free from this great evil, viz. the impression on the minds of the Coolies that the officer appointed to protect them from being cheated or forced away would punish them if they declined to go. I do not extenuate this evil; on the contrary I believe it to be connected with the worst abuses of the system. We laugh at the impression under which those simple people labored, knowing not only that it was mistaken, but that it was absurd. But that the impression existed is not the less a fact for this; and that such a fact must have gone far to destroy the protective power of the Superintendent is obvious. The remedy which I would suggest is the appointment of a Protector of Coolies, wholly unconnected with the Police, and independent of it, having his office away from it, and without any power to punish a Cooly or any one else; whose only duty it should be, in regard to Coolies, to see that they are not deceived, nor threatened, nor forced, and that justice is done to them. He and all his servants (of whom the fewer the better,) would be subject to check by the Magisterial Authorities, if they abused their trust. Of such a public servant the Coolies could have no fear, and I think they would have confidence in him. If such an officer took proper precautions to see that no laborer emigrates involuntarily, I cannot conceive how any material abuses *in India* could take place. There is a class of occasional abuses common to every species of enlistment, such as deceiving a man as to his prospects, or harrassing a debtor into consenting to go, absolutely to prevent which it might perhaps be Utopian to expect. But I think that even from these abuses the Indian laborer, under such a system, would be nearly free. As this is not the system which has been tried, as it is free from the causes of failure in that system, and as it is apparently suited to the object in view, the proof lies on those who deny that it can succeed. In the absence of such proof, as far as this objection goes, a trial of some plan such as I suggest, or of any other more promising plan, may surely in reason be demanded, before the undertaking can be pronounced to be hopeless.

Police ill suited for protectors of Coolies.

29. It appears to me that experience has shown that of all officers, an officer having connexion with the Police, is the least suited to be an efficient protector of Coolies. If an officer who has no power to punish a Cooly, even for actual offence, or to harass him in any way, were appointed protector, the Coolies would have no fear of him; whilst as the Magistrates would still be available for criminal matters, and the Court of Requests for civil matters, as in all other cases, justice could be none the worse administered. Experience has shown that to protect the Coolies from the lower Police officers, to expose and prosecute to conviction the malpractices of those officers, and to appeal to superior authority against their illegal

assumption of power,*(a)* are the great uses of a Protector of Coolies; and every man conversant with Indian habits knows that the head of an office is the last person who will ever hear tangible and open complaints of the malpractices of his inferiors. Besides this the real value of the Police, as a tribunal to which to appeal against oppression, is lost when it ceases to be a check upon the Protector himself, and his officers. Yet such has been the case, and such must be the case when the Police is the Protector. I am convinced that if the Government were to refer this point to the most experienced public servants in India, and to the most intelligent European and Native gentlemen in private life, there would not be a difference of opinion upon it.

3. False imprisonment of Coolies before embarkation.

30. The third evil is that the Coolies, while in Calcutta itself, and its neighbourhood, before embarkation, and before going to the Police, were in great numbers kept actually in a state of false imprisonment; that the Magistrates and Heads of the Police in Calcutta were in deplorable ignorance of the facts, and that proper measures were not taken to put a stop to this shocking abuse. This evil (with kidnapping) is mentioned in paras. 14 and 15 of the Report.

31. So far from differing with the Committee as to the existence and the extent of this evil, I feel it to be my duty to point especial attention to it, as shown by our evidence, in as much as it seems to me worthy of grave notice, with a view to prevent the recurrence of the like in future.*(b)* For the source of this evil has no essential connexion with the Cooly Trade, and for any thing to the contrary which the prohibitory law contains, the evil might still be in full force, though the Cooly Trade is stopped. Where I differ from the Committee on this point is in this, that they do not distinguish this specimen of mal-administration from the mass of evils they hold to be inherent in the Cooly Trade.

32. One is prepared to hear in India of many heinous crimes passing undetected by the Police, of occasionally individuals being carried away, and concealed in confinement for a length of time; of bodies of Dacoits making sudden irruptions, committing great enormities in a short time, then rapidly dispersing and evading all pursuit; of murders committed in lonely spots by secret bands, which are never

(a) Such as driving free labourers like convicts on board ship, or countenancing such conduct—See Evid. Q. 693, p. 81.

(b) For the Tontonnia Street case see Mr. Clarke's Evid. Q. 691, &c., and Mr. Hare's, Q. 694, &c. For several other cases in Calcutta see Mr. Smith's Evid Q 959—Mr. Cracroft's Evid. Q. 1027. For cases in and out of Calcutta, see Mr. Dias's Evid. Q. 759 to 764—771 to 775—Mr. Floyd's Evid. Q. 826 to 830, also Appx. p. 259. The perusal of this evidence will assure all readers that the lower Police Officers were actually engaged in keeping Coolies in false imprisonment. That the guards were dressed and badged as and professed to be Police Peons, in the Tontonnia case is certain. This could not have been without the knowledge of the real Police, who assuredly would have allowed of no interlopers. Captain Birch admitted to Mr. Hare the *possibility* of their having been what they professed to be, See Q. 701. It is very remarkable that the Police Officer ordered to the house when information was laid in that case, instead of going straight to the house, went to the Agent by whom the men were kept in durance, See Q 706 and 707. That the Coolies were actually confined is certain from the mere fact of their running off to a man when the door was opened; for this see also the admission made by Mr. Browne, the Agent himself, who shows that if the men were allowed to go to the Bazars at all, it certainly was not without a guard of Brijbassees (private watchmen) "to watch them." Q. 708, &c. Yet as to the ignorance of the Heads of Police—of all this see Captain Birch's evidence Q. 702, &c.

detected ;—all this is bad enough, but the state of society, and the consequent disadvantages under which our Judicial system labors will palliate much. At all events the remedy in such cases is confessedly difficult. But no one can say that the remedy of such cases as are exposed by our evidence, to which I have referred in the last note, is difficult. It is impossible for any one knowing the resources of the Police to conceive that there can be any difficulty in preventing multitudes of people from being kept, openly and with impunity to their oppressors, in false imprisonment. The cases referred to are very bad, but were they a hundred times worse, it must be shown to be impossible to prevent them, before they can tell in this argument. It is much to be regretted that this evil existed so long, especially in Calcutta. But when attention began to be turned to it; it must soon have been put an end to, whether the Cooly Trade had been stopped or not. This is no unsupported supposition. Happily the same evidence which assures us that cases similar to the Calcutta cases existed out of Calcutta, but in its neighbourhood, to a great extent, assures us that the measures adopted when the system was discovered by Mr. Patton, the Magistrate of the Twenty-four Pergunnahs and the Suburbs, (beyond which it would seem the illegal confinement of Coolies did not extend) were completely successful.* Not only was the system of false imprisonment suppressed, but the criminals engaged in it were punished. Yet Mr. Patton's means are not a tenth part of the means of the Calcutta Police. No man will gravely say that in Calcutta, the seat of two Governments, with all their appliances, with its Supreme Court, and grand and petty juries, its four paid Magistrates, its numerous body of unpaid Justices of the Peace, its Superintendent of Police, and Deputy Superintendent of Police, with all their European Constables, over and above a numerous body of Native Thannadars and Police Officers, aided by no inconsiderable mass of English honesty and public spirit amongst the inhabitants, that here, with all this, open and continuous crimes that are suppressed in the Suburbs, cannot be suppressed within the Mahratta Ditch.

* Evid Q. 735, 759 to 766, 771 and 772, 825 to 831.

33. It is plain that this is an abuse which must be rendered impossible, whether Coolies are allowed to emigrate or not. For the taking away of one out of the thousand objects for which the like oppression, if it can be practised with impunity, may be practised, is no remedy *for this evil.* If the system exist for one purpose, it may exist for others. Lascars may be thus confined, and forced on board the Opium Ships, there to be kept on deck and on watch incessantly for winter voyages to the China Sea;—Labourers may be confined to be forced into boats, and sent to the Assam Jungles, or to the Soonderbuns clearings, or to the new locations in the Teraiee. Over all these Coolies kidnapped to Mauritius would have in all respects a great advantage. In the case of females the objects are even more obvious and worse. If in such cases the abuse is prevented. as I hope and believe it is, why should it not be prevented in the case of Coolies? It would be mere nonsense to say that persons intended to be sent to Mauritius are more easily confined than other persons—and under a well regulated Cooly Emigration system there would be even less inducement to confine Coolies for Mauritius than other people, because such Coolies, though they might be confined, could not be exported against their will.

34. A part of the same system is the Coolies being marched to the Police to have the contract explained, as we are told by Mr. Dias, in a manner " as like as

Coolies marched to Police under guards.

"possible to the conveyance of convicts from one District to another, with the single "exception that they were not in chains, and the guards were armed with no other "weapons than ratans."*

* Evid. Q. 767.

Coolies marched on board ship under guards.

35. A part also of the same system is marching the Coolies on board ship under a guard of Police Burkundauzes. Captain Birch mentions the practice of sending Police Officers on such occasions, saying in his conversation with Mr. Hare,* that they are sent "to protect" the Coolies; but from whom to protect them does not appear. Mr. Browne, a Cooly Agent or Procurer, speaks of the Coolies not being allowed to go on board without Police Chowkeydars.* But what sort of "protection" was afforded by these Chowkeydars, we learn from Mr. Clarke's evidence, from which I give the following Extract: "I beg leave to add, that from "my house which is next door to the Town Hall, I have seen several bodies of "Coolies proceeding to the water side. They have always been accompanied by "a great number of Chowkeydars, and previous to their coming to the angle of the "Meidan (Fort Esplanade,) opposite to Post Office Street, I have always observed "several of the Chowkeydars detach themselves, and station themselves at the "opening of the Post Office Street, and on the Strand by Chandpaul Ghaut, as if "to prevent the Coolies running off. I have seen one man run off, and caught near "Chandpaul Ghaut, and evidently in custody by the Chandpaul Chowkeydars; *(a)* "he had passed the Chowkeydar, who was in charge, and who gave the alarm, the "others arrested him and brought him back evidently in custody. I have seen I "suppose at least a dozen gangs, and the whole conduct of the Police Chowkey-"dars was apparently that of men guarding prisoners."* The evidence of Master Pilot Smart, of an official report he heard made on board ship to Mr. McCann, the Deputy Superintendent of Police, by two Constables, evidently Europeans, to the effect that "they had been beaten off from a house in which some of the Coolies "were, with brickbats and stones," is also very significant of the sort of "protection" afforded by the Police to these poor people, and the light in which two parties mutually regarded one another.* Let this evidence of the practice be contrasted with the theory of this matter of Police interference, as most properly explained by Captain Birch, (whose orders these Chowkeydars ought to have executed) in the following Extract from our Evidence. *Question*—"Supposing a Cooly, who had "gone before you at the Police, and expressed his willingness to engage and pro-"ceed to the Mauritius, and taken his advance, should state to you his unwilling-"ness to proceed when the ship was just about to sail, would you direct his release? "*Answer*—In the case you put, I should make the Cooly deliver up the blankets, "pots, and pans, which he receives, and as much of the advance as possible, and "should direct his release, leaving the remedy for the expense to be sought by "civil action."*

* Q 701.

* Q 709

Evid. Q. 693, p 81.

* Evid. Q. 727.

* Evid. Q 705.

36. Is it not apparent from this, that the lower Police Officers were in league with the lower Cooly Agents; and that the "protection" of the Coolies could not possibly be entrusted to worse hands? Is it not further apparent, from this and the other evidence above referred to, that however correct the principles avowed by the Heads of Police may have been regarding the illegitimacy of forcible and

(a) This word is misprinted in the Evidence "Coolies."

summary interference on the side of the stronger party, in cases of a difference between a Cooly Agent and a Cooly, in the matter of embarkation, adequate measures were not taken to enforce the observance of those principles upon the officers entrusted with their execution? And is it reasonable to infer from the failure of a system so defective in practice, that all fitter systems better enforced must necessarily fail? Upon what ground can it be argued that supposing the Police of Calcutta to be disconnected with the exporters, and the protector of Coolies, and to be made fully aware that the exporters are not to be allowed to use any coercion to any Cooly on any pretence, they could not be made to check illegal violence when practised by others? The Police of the 24-Pergunnahs did so whenever the Magistrate's attention was turned to abuses of the system. Why could not the Calcutta Police be made to do the same? We have it in evidence that Police of the 24-Pergunnahs rescued a boat load of unwilling Coolies from the hands *of a party of Calcutta Police.** Let the Cooly Agent do what he likes in the way of persuasion and inducement. If he advances money to the Cooly, or lodges him, in expectation of his going to the Colony, and the Cooly deceives him, let him have his ordinary remedy by civil action for damages. If, on these terms, he can get no Coolies, it is his misfortune, or mis-management; the law has no right to interfere specially against the Cooly. If this sound principle were enforced in practice, I do not see how any abuses of the sort above remarked upon could exist. That this principle was enforced *in practice*, no one who reads the evidence can imagine. It would be an abuse of terms to say that the Coolies were treated like slaves; but they certainly were treated, in practice, like something between impressed seamen and enlisted recruits.

* Evid. Q. 734.

4. Deceit practised to induce Laborers to come down to Calcutta.

37. The fourth evil is that the labourers engaged were usually induced to come to Calcutta by gross misrepresentations and false promises of service here, &c. This is mentioned in paras. 9 and 10 of the Report. That this fraud was practised largely is, I think, proved.(*a*) But it does not appear to me that this point is material, because if Coolies are informed of the true state of the case before they sail, and are not allowed to be taken without their own free and intelligent consent, no serious evil can happen from deceptions practised before that time. And under such a system such deceptions would soon cease to be practised to any great extent, for want of a sufficient motive. To put a stop to all fraud of this sort in all cases is impracticable, even in such a country as England, but to reduce the evil in the case of Mauritius Coolies to the level of the evil in all ordinary cases of hiring men for long jobs, is most certainly practicable. Cases of occasional hardship and injustice, owing to men being induced to leave their home in the interior to come to Calcutta in the expectation of employment they have no

(*a*) See Evid of returned Coolies—Kavoo Q. 878—Suboo 887,—of a Cooly Agent Q 582—of a Pilot Q. 752 There is also some hearsay evidence, see Q 1013, see also two cases mentioned by Dr. Wise, Appendix p. 336. As it is not said by whom or how the Return sent to the Landholders' Society by Mr. Taylor was prepared, or on what evidence it is founded, (Appendix p. 356) it seems to me to be worth nothing in the way of evidence though it is relied on in the Report. It is clearly not an Official Document, and it does not show that any examinations whatsoever were taken on which the entries are based. Under any circumstances it would not be proper to draw any important inference from such a paper, and in a case of this sort, where rival interests are concerned, the necessity of proceeding only upon safe ground is evident. The paper has all the appearance of having been filled up from Returns to some Circular made by Thannah Moburrirs, or Zemindaree Darogahs; if so it is utterly worthless.

chance of obtaining, who may be unwilling to proceed, when they are informed of their true destination beyond sea, will probably occur. But cases of *occasional* hardship, from one cause or another will occur, however the law may be; and if such cases, in number and importance, be reduceable in the case of laborers proceeding from India, to the same degree, in which they must exist in all cases of similar hiring, as for example in the case of labourers proceeding to Assam, no man will maintain that such *occasional* evils might be made necessarily less than the occasional evils (to say nothing of the inherent evils) which all will allow to be involved in absolute and indiscriminate prohibition.

38. *Since the enforcement of the Regulations of* 1837, it does not appear that any batches of Coolies *going to Mauritius* have been deceived at the time of embarkation, as to the place of their destination, or the nature of the work required. There are many sure cases shewn where the Coolies certainly were not deceived. Captain Rayne says "out of above eight hundred I have taken, not one said they have been "kidnapped, or complained of the manner in which they had been taken on board."* And of the 47 Coolies who lately returned by the John Bagshaw, and who sailed for Mauritius before the Regulations of 1837 were enforced, several, whom we particularly examined on this point, stated that they had not been deceived into going, and explained how they were induced to go. No one of the lot complained of having been deceived into going.*

* Evid. Q. 822. See also Mr Grant's evidence Q. 803.

* Addl. Evid. p. 9 and passim.

39. I am sorry, however, to say that the Coolies in the "Hesperus," going to Guiana, appear to have embarked under the belief that they were only going to Mauritius.* But the remedy for this abuse is plain, to whatever extent it may be supposed to exist, viz. the examination of the Coolies *on board ship.*

* See Appx p. 213 Pilot Gurr's reply.

5th. Cheating out of advance.

40. The fifth and last abuse of this class, is the cheating of the Cooly out of part or the whole of the advance of six months' wages nominally made to him in India. This is mentioned in para. 16 of the Report. It is clear that this fraud existed to a great extent, and that although some small claims for board previous to embarkation may occasionally have been fairly demandable from some Coolies, the greater part of the one half of the whole advance which Mr. McCann made a practice of allowing to be taken from the Cooly was altogether an extortion or a fraudulent demand. For instance the fees of the people employed by the Cooly Agent (Duffadars) to procure the Cooly, so also the fees of the Cooly Agent, and of the Banian of the House of Business through whom the Cooly is shipped were flagrant extortions. The audit fee, *as charged against the Cooly*, was an unwarranted charge. The charge for board, &c. being passed as a fixed charge, without reference to or inquiry concerning the time for which the Cooly had been really boarded, or the fact of whether the Cooly had willingly boarded, or had been merely fed whilst kept in durance, was a gross fraud. The unauthorized passing of these fraudulent charges, and the countenance thereby afforded them, by an Officer of Police, was, I think, very wrong.* Still this audit was a practical benefit to the Coolies; who before were cheated out of the whole advance by the Cooly Agent and his creatures, but afterwards were only cheated out of half.* To shew the abuse it is enough to say that the Duffadars and other persons employed by the Cooly Agent received no pay,* according to the admission of a Cooly Agent;

* See Evid. Qs. 207 to 224.

* Evid. Q. 149.

* See Evid. Q. 313.

and as they would not work for nothing, and had no right to demand an anna from the Cooly, they can only have lived by defrauding the latter of part of his advance, which was all he had. Indeed sometimes the Cooly Agent himself received no allowance whatever for his trouble.* In those cases he must have been wholly paid by cheating the Cooly; and in all cases he was partially paid by that means. Of the half Rs. 15, of which the Cooly was not cheated, Rs. 5 were kept back for articles furnished to him, Rs. 10 therefore were all he received in cash, for six months' wages. But it is certain that even of this, or of a great part of it, he was often robbed by the Police Peons and private guards set over him, whilst embarking, and on boardship.*

* See Evid. Q. 318.

* See Evid. Q. 727—822, Appx. p. 206, 223.

41. The Committee report that "it is certain that if the advances were forbid-"den, the prop and main stay of the Cooly trade as heretofore carried on, would "be at once removed."* I may observe, in passing, that if the Committee are convinced that so legitimate and harmless a regulation as disallowing payment in advance, the features of the trade could be completely altered, or that thereby the trade, as it before existed, would fall of itself, there is an apparently inconsistency in their maintaining the necessity of adopting the extreme, and to many the ruinous measure of absolute prohibition. But without stopping to press this advantage against the majority, I will join them in saying that this system of advances has been grievously abused, and that to disallow it would cut off many evils at the root; though I cannot go so far as to say that it would alone remedy all the evils of the old trade, or stop the trade entirely.

* Rep. para. 16.

42. To disallow payment of wages in advance will by no means prevent the exporter from paying persons to procure Coolies; and to prevent this, the trade being allowed, is no object. But it will prevent the procurers from being paid by fraudulent or forcible deductions from the subsequent wages of the Coolies, contrary to the spirit of the agreement, as understood by both parties. Nor will it prevent the Coolies being supplied with cash before embarkation, to supply their wants, or induce them willingly to go. This also is no object. But it will make it no longer the interest of the exporting house and the Cooly Agent, that the Coolies should be cheated as much as possible. When the system of advances prevailed, the lower Agents being paid by what they could cheat and extort out of these advances, it was the direct interest of all parties concerned in the exportation that the Coolies should be cheated or robbed; because thereby the work was done at no expence to their employers or themselves. But if none of these parties gain by the Coolies being cheated by third parties, which will be the case if the money put into the Cooly's hands is the Exporter's own money, not the Cooly's money, it becomes the interest of all to prevent any cheating whatever. No money will be *given* to a Cooly, except to gain an object with him; which object certainly will not be gained if the Cooly never sees the money, as was the case heretofore when the Exporter paid Rs. 30 *of money the property of the Cooly* to the Cooly Agent, who paid the Cooly Rs. 10 and no more. The only disadvantage in not allowing the Cooly to contract a debt with his master upon the security of his labour, (for that is what the prohibition of payment in advance amounts to,) will be when a Cooly to whom a certain amount of funds before embarking may be a real object, shall be unable to raise that amount in consequence of the power of pledging his labor

being taken from him. Without denying the possibly cases of this sort may occur, it may safely be assumed that they will be rare; for it is well worth the while of a Landowner in Mauritius to make a Cooly a present of Thirty Rupees to induce him to go. And even were such cases frequent, this occasional disadvantage would certainly be greatly overbalanced by the absence of systematic and universal cheating, and by the good humour and plain dealing on both sides which this prohibition would infallibly tend greatly to introduce. The alternative of paying the whole advance into the Coolies' hands before a public Officer, without regard to the claims of professing creditors, if the payment were made before embarkation would be partially open to abuses such as were practised under the old system; and if the payment were made after embarkation, the advance would be useless to the Cooly.

43. I am therefore strongly of opinion that no payment to the Cooly in India, by whomsoever made ought to be reclaimable in the Colony by a deduction of wages, or otherwise, than by regular action at law. I think that under the circumstances of the present case, the making of advances upon the whole is an evil thing, and therefore one in support of which, upon the strictest application of general principles, the law may properly refuse to interfere.

Conclusion as to Abuses in India.

44. I have now run through, I hope fairly, but certainly dispassionately, the whole of the abuses alleged against the trade as occurring in India before embarkation. It will be for those whose duty it is to form a decision, calmly to consider the nature and degree of each abuse, and to say whether in respect to such as are established by evidence there is reasonable ground for imagining that sound precautionay regulations, suitable to the exigency of the case, and enforced with ordinary activity, are incapable of removing them.* My own opinion on this part of the question is, that the negative of the above proposition is wholly untenable.

* See para. 27 of Report.

II. ABUSES ON SHIP BOARD CONSIDERED.

45. We now come to that part of the question which involves the alleged abuses on shipboard, being the second class of abuses. This is treated very shortly, but in very unqualified terms, in para. 21 of the Report. It is there stated that "the hardships and miseries endured by the Coolies in the passage to "Mauritius, are proved to have been very great under the most favorable circum-"stances, and with the most humane Commanders acquainted with the language "and manners of the natives."—The terms "hardship" and "miseries" are certainly indefinite; but understanding them here to be used formally, and to the exclusion of those annoyances and pains common to landsmen of all ranks when on boardship, I must say that to my mind our evidence affords no proof of this assertion, which, be it observed, is not of special but of universal application. I cannot think that the Committee allude to sea sickness, for example, as a misery to be taken into account in this weighty matter; but that is the worst evil, *as shewn by our evidence*, that according to my impressions seems to have been general, and that even seems not to have been universal. The Coolies generally seem to have felt their sea voyages, much as most of us feel our own, viz. as extremely disagreeable adventures, not, however, such as can properly be designated gravely, and on formal occasions as very great hardships and miseries indeed.* I will however descend to particulars, and bring together our evidence as it bears on each point, from which

* See Appendix p. 215, Mr. Fabian's Report.

all readers may judge for themselves between the Committee and me on this topic. It is the misfortune of my position in the argument that I must be particular, and so probably prolix.

46. It is necessary to premise that no abuse that happened before the Regulations of 1837 came into operation ought to be allowed any weight, in considering the present question. The debate is not whether all Regulations can be dispensed with; but whether no Regulations will avail. It is important to know what abuses continued under the Regulations actually enforced in 1837; but the abuses before common are irrelevant considerations. (*a*)

Abuses before 1837 irrelevant.

47. There is no doubt that both before and after the Act of 1837 the Coolies were very plentifully and very well fed on boardship. The best evidence on this point is that of the Coolies themselves. Sheick Monick says "we had enough" (to eat and drink) "on boardship, but not after we landed at Mauritius."* Boodoo Khan says "we got enough to eat and drink," (on boardship,) "the Captain is a very good man."* Beebee Juhoorun says "on our voyage to the Mauritius we "got more on boardship than we could eat, on our return we got enough, we had "no cause of complaint."* Knaroo says "we had plenty to eat on boardship."* Seeboo says "we had sufficient rations of food on boardship."* Ramdeen says "we "were treated very comfortably," (on boardship,) "we had plenty to eat and "drink. Sometimes the Coolies were knocked about but never beaten."* The only adverse evidence is that of Abdullah Khan, a Native Doctor, who says that the Coolies in Captain Edwards' ship had not enough to eat.* But his evidence is not to be relied on, Mr. Dowson having detected him in one great falsehood,* which overturns nearly half his deposition, and it being plain that he had a grudge against the Captain for not giving him an expected present, on the plea of his incompetency.* He and the Captain seem also to have quarrelled about their respective medical knowledge.* His evidence is contradicted, in all particulars connected with ship board, by that of Captain Edwards and his Officers, also of the Pilot and Leadsman,* who at least are impartial witnesses.

1. Food.

* See Evid. Q. 617.
* Evid. Q. 669.
* Evid. Q. 598.
* Evid. Q. 878.
* Evid. Q. 887.
* Evid. Q. 897.
* See Evid. Q 453.
* Evid. Q. 1059.
* Evid. Q. 557.
* Evid. Q. 515.
* Appendix p. 272.

48. It is however to be feared that even after the enforcement of the Rules of 1837 there was in some ships too little water for the comfort of the Coolies. (*b*) In reading the evidence, allowance must be made for the feelings common to all landsmen on being put upon sea allowance of water; but still occasionally there must have been really too little. Abdoollah (the offended Doctor abovementioned,) says, that in the "Christopher Rawson" the Coolies had only one quart bottle of water a day;* but this cannot certainly have been the case, as Captain Edwards* and his Officers* distinctly declare that they had at first five pints, and afterwards four. The Captain admits that they used salt water in one or two instances, which he forbid; but I believe it is usual at sea to use some salt water in boiling rice. Mate Pilot Blake, in a very fair and intelligent report writes, that there was a great want of water on board the "Lancier,"

2. Water.

* See Evid. Q. 450.
* Evid. Q. 507.
* Appendix p. 272.

(*a*) Some of the Coolies who returned in the John Bagshaw, and who sailed before 1837 complain of hardships on boardship in going to the Colony, but of none in returning. (addl. evid. p. 3-6.)

(*b*) Ramdeen who sailed before 1837 says they were often in great distress for want of water; and that he had himself four times to pay one rupee for one lotah (a small copper jug) of water, (addl. evid. p. 6.)

when sea sickness began. The allowance was half a gallon a day, and the Coolies did not take care of it, it not being properly explained to them that they were on an allowance, as all persons are on shipboard.* I think it very likely that this was the real error. Upon the whole I do not think the want of water has ever been so great, since the Act of 1837, as to amount to an abuse; but I think that this would be a point to be more carefully attended to in my future regulations.* The regulated allowance was five pints a day, and I hardly think that can be enough for men who have to cook rice.* There could be no difficulty in affording a larger allowance than usual for the first few days.

* Appendix p. 219, See also Revd. Mr. Garstin's evidence, Q. 779.

* See Evid. Q 527, 534.

* Appendix p. 288.

3. Accommodation.

49. Sheick Manick, on being asked, if there was sufficient room on boardship, says, "we were very comfortable on boardship." And I do not find one Cooly witness who makes any complaint of having been overcrowded on boardship. But according to the reports* of the Pilots the Coolies had not nearly sufficient accommodation in the "Whitby" proceeding to Demerara. The "Charles Hartley" was much too crowded, so also the "Prince Regent" and "Hooghly." In the "Donna Carmelita," though the accommodations were comparatively good, there was not room for all below. In the "Euphrasia" the accommodation was rather small. On board the "Emerald Isle" the Coolies were poorly situated for want of room. In the "Amwell" the accommodation was much too small, and in the "Donna Pascoa" and "Arab" it was too small. In the "Raj Ranee" there was only accommodation for one-third below; and in the "Emerald Isle" there were complaints of want of room. But according to the same reports the accommodation was sufficient on board the "Thomas Snook," "Hesperus," "John Bagshaw," "Indian Oak," "Herefordshire," "Alfred," and "Donna Carmelita." Pilot Dyer, in his examination says, there was space enough in the "Lonach,"* not in the "Whitby."* Notwithstanding the adverse reports of some of the Pilots above alluded to, Captain Birch is of opinion, that the allowance of space and water in all the ships was sufficient.* It appears to me, however, that the Pilots, generally speaking, are likely to be right, and that the allowance of both in many cases was sufficient, but in other cases was much too little. The regulated allowance was one Cooly for every one and half tons; but this after all is in practice a vague specification, I think so many square feet of unlumbered deck below would be a better specification. However this be, I have no doubt that in many instances ships were allowed to take a great number too many Coolies. The case of the "Whitby" seems to me one of the worst. Pilot Dyer's letter* of 20th August, 1838, shows that the Rules should have been more restrictive, or more strictly enforced. Being only 350 tons, the vessel was allowed to carry 270 or 280 Coolies, many more than the regulated proportion.

* Appendix p 212.

* See Evid. Q. 742.

* Evid. Q. 743.

* Evid Q. 203

* See Appendix p. 223.

4. General Treatment.

50. None of the Coolies examined, complained of bad treatment on boardship. I have above quoted Beebee Juhoorun's evidence, who sailed with 440 Coolies, and says, "we had no cause to complain," speaking of the passage. Also Ramdeen's evidence, who says "we were treated very comfortably" (on boardship.) The only adverse native evidence we have is that of Abdullah Khan, the above mentioned Native Doctor.* But for the reasons above given no reliance can be placed on it, specifically contradicted as it is in some parts, and proved to be impossible in others, whilst the whole bears proof of ill feeling towards the Captain.

* Evid. Q. 462.

Now the depositions of Beebee Juhoorun, Sheick Manick, Baboo Khan, Seeboo and Ramdeen seem to me unexceptionable in this respect, for they contain good and bad accounts both, the whole given with every appearance of fairness; and some of them were smarting under ill treatment in Mauritius and not likely to omit any bad circumstance connected with their going there.

51. It is well observed by Mate Pilot Blake that the Pilots see the worst of the case of the Coolies, "for just as they begin to accustom themselves to ship-"board, the sea sickness comes on, and makes them more careless and helpless than "they were at first, and in this state we" (the Pilots) "leave them."* It will be remembered also that the Pilot is on board no inconsiderable portion of the whole voyage from Calcutta to Mauritius. Great weight therefore is due to what the Pilots report, as to general treatment. Of the Coolies on board the "Baboo," "Raj Ranee" and "Indian Oak," Pilot Crooke writes, "I beg to state (*candidly*) that they were treated more like brute beasts than human beings."* The same Officer states that in the "Earl of Clare," the Coolies were brutally treated." (*a*) Mate Pilot Blake says that the Lascars, &c. fleeced the Coolies of their money by selling things, no shore boats being allowed to come alongside, but the treatment they got from the Captain and Officers was otherwise "good, they were not much ill-used nor abused."*

* Appendix p. 219

* App p. 213.

* App. p. 218, 219.

52. The above evidence shows occasional ill-treatment. On the other hand there is abundant evidence of good treatment in many more instances. Pilot Bartlett, of the Coolies on the "Thomas Snook," writes,—"I do confidently say that they received good treatment from the Captain and Officers."* Of those on the "John Bagshaw" and "Indian Oak," Master Pilot Smart writes,—"I must say from "all I saw the Coolies appeared to be generally healthy and well treated."* Branch Pilot Fabian writes of those on the "Herefordshire,"—"the treatment the "Coolies received, appeared to me irreprehensible, and I never knew of their once "having made a dissatisfactory mention of it. When I was about to leave the "Herefordshire I observed that they manifested signs of satisfaction and con-"tentment."* Of the bark "Hesper," Master Pilot Statham writes,—the treat-"ment of the Coolies on board that Vessel was good in every respect," but he adds, of the "Adelaide" and "Helen" I cannot give so favorable an account of these "vessels, as the above, the Coolies were not ill-treated but neglected; no attention "whatever was paid to their being made comfortable, and when sick there was no "one to look after them."* Of the Coolies on board the "Cecilia" Master Pilot Stevens writes,—"the treatment was good, and all in good health when I left."* Of those on board the "Euphrasia" Master Pilot Wall writes,—"the greatest attention "was paid to their comforts whilst I was on board as to cleanliness and food by the "Captain and Officers."* Pilot Cooper of the "Alfred," writes—"the Coolies were "well treated, had good accommodations, and their condition altogether satisfactory;" of those on the "Emerald Isle" he writes,—"they were but poorly situated for want "of room, in other respects I heard of no complaints."* Of the Coolies on board the

* App. p 212.

* App p. 213.

* App. p 215.

* App p. 215.

* App. p. 216.

* App. p. 216.

* App p 220.

(*a*) In a case where feeling is so much excited as it was in this it is always proper to rely most upon the judgment of those spectators whose description evinces discrimination, giving a picture neither all bad nor all good. Now it must be noticed that Mr. Crooke seems to have piloted only four Cooly Vessels, and that these were the only four on which we have a report that the treatment was thoroughly inhuman.

"Donna Pascoa" Mate Pilot Moxon writes,—"I do not think that men could have "been better treated."* Of those on board the "Arab," Master Pilot Sharling writes,—"regarding the food and treatment I never heard the slightest murmur."* Of the "Whitby" Master Pilot Dyer writes,—"I firmly believe, from what I saw "of the Commander (Captain Swinton) that he did and would do all in his power "to make them as comfortable as the scanty means put in his power enabled him "to do."* In the same Officer's oral evidence he says,—the Coolies "were not ill "treated" on board the "Whitby."

* App. p. 221.
* App. p. 222.
* Evid. p. 223.
* Evid. Q. 754

53. Mr. Witchlow of the Preventive Service, whom we examined, said that in the "Earl Grey" and "Emma" the Coolies were treated "in a manner far from kind," and generally from his experience he thinks they are far from being well treated, and that their food is bad.* It is proper to observe, however, that, Captain Finniss, Chief Commissary of Police at Mauritius, writes to Captain Birch that "the Indians by the "Emme" state they were well treated on board, during their "passage."* I take this to be the same vessel as the "Emma" above spoken of by Mr. Witchlow.

* Evid. Q 1010.
* App. p. 187.

54. We only examined *viva voce* two Pilots—One of these, Mr. Smart, had piloted down several Cooly Vessels. The evidence goes to this, that when the Captain and Officers understand the language and the ways of the Natives, as Officers of Country Vessels do, the Coolies are well treated, but otherwise that they are not, and that there is mismanagement. In the "Edwards" the Mates were afraid of the Coolies, having been "thrashed" by them in the river "with billets of wood."* Of the Coolies on the "Indian Oak" in two voyages, the "John Bagshaw" and the "British Monarch" in one voyage each, he says "they were generally well treated."* The evidence of the other Pilot examined, Mr. Dyer, has been above noticed.

* Evid. Q. 727.
* Evid. Q. 728.

55. Captain Mackenzie, who commanded a vessel with Coolies on two voyages, assures us that he believed the Coolies were comfortable and happy on boardship.* This witness seems to me intelligent and impartial; he thinks that the rules of the Transport Service should be enforced on Cooly Vessels; and as in a hurricane (*a*) off Mauritius, the Coolies could not be sent below, and the hatches battened down, he fears half of them would be drowned, in such an event.* The Reverend Mr. Garstin went as a passenger to Mauritius in a vessel having 258 Coolies on board. He says "my impression was that they (the Coolies) were "treated remarkably well, with great humanity and even tenderness on the part of "the Captain."* He gives an excellent proof that the Coolies were not subjected to any ill-treatment from the Officers or Crew.*

* Evid. Q. 275, 295.
* Evid. Q. 438.
See also Q. 219.
* Evid. Q. 778.
* Evid Q. 785.

56. In the great majority of Reports from the Chief Commissary of Police at Mauritius to the Superintendent of Police in Calcutta, (given as No. 3 of our Appendix)* on the arrival of different Cooly ships, the account is that the Coolies say they were well treated, and have no complaints to make. But in some cases there are complaints.*

* App. p. 184, &c.
* See particularly p. 187, 188, 193, 184.

(*a*) I believe there are but three hurricane months in the year.

57. I have above fairly extracted all the evidence one way or the other that has caught my attention; and I do not think that I have missed any thing very material either way. Now it is to be borne in mind that when we were taking evidence, it was just after meetings, writings, and declamations had occurred here against the Cooly trade, and just after the accounts of similar proceedings at home, in which great names appeared, had arrived here. The great majority of people in Calcutta, *at that time*, were enthusiastically opposed to the export of Indian labourers, and many were then labouring under a delusion to the effect that the passage of Coolies to Mauritius was much like the middle passage of a slaver. We may therefore safely assume that we got all the evidence of ill treatment available, and that such of our witnesses as were unconnected with the trade (as Pilots, Preventive Officers, and Passengers) would be apt to smooth off nothing bad that they had witnessed. With this in mind let the impartial inquirer sum up the instances of ill treatment and note the degree of ill treatment proved in each instance, making fair allowance for the state of feeling, and then let him sum up the evidence on the other side, with the same allowance, noting especially that all the Coolies examined (who are the only people not likely to be led away to either side by fancy) without exception speak of good treatment, and then let him judge between me and the majority of the Committee as to whether or not the very sweeping statement relative to this very important part of the question given in para. 21 of the Report, and quoted above by me, is supported by sufficient grounds. If it be not, it must be admitted that a large part of the conclusion of the majority has lost its support.

5. Drowning and jumping overboard.

58. The Report goes on to say that "the mortality from drowning and other "causes is very great." The number of Coolies who have jumped overboard is certainly a very remarkable fact. But this too must be gone into soberly, and in detail; for it is not conducive to a just decision to glance at it, without examination, and so to let it operate on our minds by inducing a sort of horror almost unconsciously. For it appears a very frightful thing, that people, represented as being free emigrants, should not very unfrequently jump overboard with a chance, sometimes small, but at least in three or four instances approaching to a certainty, of being drowned. So striking a fact, deeply affecting the whole question, merits close attention.

59. Although drowning is prominently mentioned in the Report as a source of extraordinary mortality, we may put aside at once the cases of *accidental* drowning, for on going over our evidence I cannot find above five cases of accidental drowning altogether.(a) This, I imagine, is not more than occurs every season amongst the crews of the vessels in the Port of Calcutta, and when we consider that in fifteen months alone (1st June 1837 to 29th August 1838) 7,338 persons emigrated from Calcutta, whilst our evidence reaches much further back than 1837, this addition to the ordinary chances of mortality will not appear material.

(a) In the Sophia four fell overboard, of whom two were drowned. *Evid.* Q. 45. In our voyage of the "Cavendish Bentinck" two fell overboard, of whom one was drowned. *Evid.* Q. 269 In the "Adelaide" one man was lost overboard. *App. p.* 171, and in the "Lancier" one fell overboard. *Evid. p* 218. Perhaps, I may have missed a case or two.

60. The other cases of drowning occurred in consequence of the Coolies voluntarily jumping overboard. I find about thirty-one or thirty-two cases distinctly specified of Coolies who jumped overboard, of whom about twenty-three or twenty-four either were *certainly* saved by being picked up from the ship, or are believed to have been saved by swimming on shore. Two were certainly drowned, and the fate of six is uncertain.(*a*) Besides these several more are supposed to have jumped over land in the river, in order to swim ashore but without certainty or specification.* There can be no doubt that by far the greater number of these cases occurred simply from a desire on the part of the Cooly to get ashore. The question here is did this arise from bad treatment or hardship making boardship unbearable?

* See Evid. Q. 727 and Appx. p. 221.

61. I cannot coincide with one of our witnesses who regards the jumping overboard alone as sufficient proof of treatment considered by the Cooly to be harsh.(*b*) A particular result cannot, I think, be held to be sufficient proof of the existence of one particular cause, when there are many other causes, each of which is at least as probable, and each capable of producing the same result as the one assumed, every one of which, must, by such a process of reasoning, be arbitrarily put out of the question. Many causes may be assigned. Captain Birch, with great probability, says that some Coolies "may have had a disinclination to "proceed, from not liking shipboard, and others from having received their "advance and not having a wish to fulfil their engagement."* In some cases it is very probable that the individual Coolies had been forced on board unwillingly, or cheated, or frightened into going on board. Or they may have considered themselves free from having been defrauded of their advance, after expressing their willingness to go at the Police, or they may have jumped overboard in a passion in consequence of a quarrel with other Coolies.* Every one of these causes is as

* Evid. Q. 175

* For instances in which this last was the cause. See Evid. Q 559 and Q. 789.

(*a*) Ten men jumped overboard from the "Indian Oak" when off Cooly Bazar, trying to escape, of whom nine were re-captured, and one supposed at the time to have been drowned, it is pretty certain escaped. *Evid.* Q. 174. From the same vessel two men jumped overboard in the voyage, out of sight of land, and both were picked up. *Evid.* Q. 788. From the "Cavendish Bentinck' two men jumped overboard about 300 yards from land, trying to swim ashore, both of whom were picked up from the ship. *Evid.* Q. 261. Another man attempted to follow their example, but was prevented. *Evid.* Q. 263. In a second voyage of the same vessel four Coolies jumped overboard at Fultah, and are believed to have reached the shore. *Evid.* Q. 280. From the "Charles Hartley" off Saugor, three or four jumped overboard, and were picked up. App. p. 212. From the "Lancier" one man jumped overboard in the river with a bucket, for want of water, and was picked up. Shortly before he had told the Pilot that he could not stay without water. *App p* 219. From the "Donna Pascoa" one jumped overboard and was saved. *App. p.* 221. The two cases of drowning from jumping overboard are these—One in the "Euphrasia" of a man drowned (or believed to have been drowned,) trying to swim ashore. App. p. 216 The other was one of those cases of suicide common amongst the natives, the man appearing to have drowned himself, having been ill for a fortnight, to get rid of some internal pain. But this was a case of returning from Mauritius in bad health. *Evid.* Q. 425. The cases of uncertain result are these. Three men are supposed to have jumped overboard from the "Lancier" at Culpee. *Evid.* Q 172. also *Appx p.* 219. From the "Indian Oak" one man jumped overboard off Saugor whose fate is unknown. *Evid* Q. 788. From the "Donna Pascoa" (whilst in the river I suppose, but that is not stated, however, while the Pilot was on board) two men were seen deliberately going overboard in the night who were never heard of. Appx. p. 221.

(*b*) The Revd. Mr. Boaz, who mentions that the Public Meeting on the Cooly Question in Calcutta originated with himself and others being asked "are you acquainted with any other cases of harsh treatment "than the one you have just mentioned," answers "yes. I know the case of several men jumping overboard "in the river from a vessel proceeding to the Mauritius, I suppose on account of treatment which they "considered harsh; and after making inquiry I have not been able to ascertain that any of them reached the "shore."—Evid. Q. 23, p. 166* and Q. 19. p. 165.*

likely to have produced the result, as bad treatment on board. In only one instance, that I recollect, have we reason to believe that bad treatment was the cause which is the case of the man who jumped overboard, and tried to get ashore because he could not stay for want of water.* * Appx p. 219.

62. The cases where the men jumped overboard near the mouth of the river, where unless picked up, the Pilots think they had a bad chance of escaping alive, though at first sight they argue that a motive was at work, stronger than any but the wish to avoid unsupportable present misery, have no weight with me. The Coolies cannot possibly have had any notion of the difference between the river off Saugor and elsewhere, and they can have had a very indistinct idea even of the distinction between the sea and the great inland rivers, from which they have derived the whole of the ideas of being afloat. They knew nothing of the eddies and tides on which the Pilots speculated, and even in their distance from the shore they would be greatly deceived.

63. The cases of those two Coolies who jumped overboard from the "Indian Oak," when out of sight of land, are more unaccountable. I give in a note the opinion of the Revd. Mr. Garstin upon these cases.(*a*) But in whatever way these cases may be accounted for, they have this remarkable effect, that they weaken extremely the hypothesis which attributes the other cases of jumping overboard, in apparently much less dangerous circumstances to the pressure of real present misery on shipboard, because from the fortunate presence of this disinterested and unimpeachable witness, who speaks only of that which he himself saw and heard, we know with certainty that, in these cases, that could *not* have been the motive.(*b*)

64. I think that I have shewn that the "mortality" from drowning was not most serious. We must now therefore look to the other causes which with drowning are said to have caused a most serious mortality. 6. Other causes of mortality.

65. From the Reports of the authorities at Mauritius, there must have been, *before the enforcement of the Regulations of* 1837, occasions of great mortality in particular vessels, owing undoubtedly to insufficient arrangements and other abuses. In the "William Wilson," out of 224 labourers embarked, 31 died. In the "Adelaide," out of 72 embarked, 24 died in the passage, and 3 more soon after landing.* * Appx. p. 171. Cholera broke out on board the "William Wilson," and it is therefore possible that no precaution would have prevented the ravages of that fatal calamity.* The deaths * Appx. p. 174. in the "Adelaide" are attributed to the cruel treatment, which the Coolies experienced in the river Hooghly,* having been detained in the river a long time "in a

(*a*) Evid. Q 789. "Can you explain the motives of these men in jumping overboard?

"A I forget the reason for jumping overboard assigned by the man who jumped overboard near the "Floating Light, but the man who last jumped overboard assigned as his reason for doing so that one of the "other Coolies (one of the Sirdars I believe) had struck him. The weather was bad on the last occasion "but one, but it was fine weather on the last occasion. I feel convinced that on the two last occasions the "men jumped overboard in the conviction that they would be picked up In order to deter any others from "jumping overboard the Captain told them all on the last occasion that he would pick up no more, and "after that no more jumped overboard."

(*b*) The case of a *returning* Cooly who jumped overboard in Rangoon River because of a quarrel (Evid. Q 559—560) has been before cited in the last Note but one.

state of great privation," and moved about from one vessel to another without being allowed to go on shore.* But for the reasons stated above in para. 20 of this Minute, these facts are not relevant to the matter in hand.

* Appx. p. 176 and p 215.

66. After the passing of the Regulations, there is evidence of a very great improvement in health, as in all other respects. The Chief Commissary of Police writes to Captain Birch on the 23d of May 1838—" The description of men now " arriving is better than formerly, scarcely any complaints are made of ill-treatment " during the passage, and their general appearance is healthier."* On what facts or arguments the majority have founded their opinion as to the serious amount of mortality I do not know. Our recorded evidence does not, in my judgment, bear out so unqualified an opinion. Besides the two diseased ships abovementioned, and the " Indian Oak" when six died in one voyage out of 212,* all having sailed before June 1837, I do not find evidence of many deaths. In the " Sophia," which sailed also before the Regulations of 1837 were enforced, and carried a very excessive number, being more than one Cooly per ton, 8 died out of 336, there seems to have been no Native Doctor.* In the second voyage of the " Cavendish Bentinck" 14 Coolies died out of 297; they had a Native Doctor that voyage.* In another voyage 3 died out of 278, they do not appear to have had a Native Doctor that time.* In Captain Hopper's ship (name not given) out of 200 Coolies 2 died.* In the "Christopher Rawson" out of 305 Coolies 5 died.* In these two last cases there was a Native Doctor. In a return voyage of the " Cavendish Bentinck," 3 Coolies, returning in bad health out of five, died.* There was a Native Doctor.* In a return voyage of the "Sophia" one Cooly died out of eleven or twelve Coolies returning in bad health. There were four Native Doctors on board.* By the Pilot's Reports one Cooly died out of each of the following ships, before getting out to sea, viz. " the Raj Ranee"* with 177 Coolies, " Euphrasia"* with 205 Coolies, and the " Lancier" with 150 Coolies.* In the " Donna Pascoa" there were 6 or 7 deaths in three weeks, of which three or four were cases of Cholera. There was a " Medical Attendant" on board.* This makes in all, since June 1837, of Coolies going *to* Mauritius only 34 deaths, of which I have observed that we have evidence. I dare say I have missed some, and of course more deaths must have occurred of which we heard nothing. Still bearing in mind that we should certainly have heard of any remarkable cases of mortality, had there been such, and that since June 1837, 7,337 Coolies had sailed, the passage lasting for six weeks or two months, though I consider it proved that the mortality was occasionally great, (owing I believe to occasional over-crowding, which might be avoided, as well as occasional epidemics, which are probably irresistible,) I see no reason to conclude that the mortality was uniformly or even very generally excessive.

* Appx. p. 202.
* Appx. p 171.
* Evid Q. 8, 48.
* Evid. Q. 281.
* Evid Q 270.
* Evid Q. 367.
* Evid. Q 468, 498.
* Evid. Q. 418, 421, 422.
* Evid. Q. 424.
* Evid. Q. 541.
* Appx. p. 214.
* Appx. p. 216.
* Appx. p 218.
* Appx. p. 221.

7. Health.

67. Judging from the Pilot's Reports* on 15 different vessels of which the health is mentioned, it seems that in general the Coolies were quite healthy; that occasionally they were not healthy; and that in some cases they were particularly unhealthy.*(a)*

* Evid. p. 212, &c.

(a) The Coolies are reported healthy on board the " Thomas Snook p 212 " Hesperus" p 213 See also p 225 " John Bagshaw' id. " Indian Oak' id " Herefordshire" p 215 " Cecelia' p. 216 " Euphrasia" id. " Carmelita" p 217 In the Donna Pascoa health generally good but in three weeks six or seven deaths from Cholera chiefly, p 221. In the " Donna Pascoa" another voyage, and " Bombay' a few unwell, p 214. In the " *Amwell*' there were only two cases of sickness when the Pilot left, p. 220. Of the " Arab"

68. I have not spoken of one terrible case on board the "Hesperus," where a Cooly being ill of inflammation of the bowels was kept below by one of the Chowkeydars, in consequence of which he died. This case has been not unnaturally greatly exaggerated by rumour, and it has been reported at home that the hatches were battened down on all the Coolies. The case is bad enough as it really happened. The Chowkeydars had as many men between decks as they could get, and then would not allow them to come up without paying for it. One Chowkeydar had made the deceased pay one rupee for going upon deck, and when he went down again ill the Chowkeydar would not let him go up again, and prevented his case from being mentioned to the Surgeon or Officers. When the man's illness was discovered "by mere accident," after he had been confined below "in a state of great misery for ten or twelve hours," it was too late.* Now this is clearly a case of murder against one Chowkeydar. It is also I think, a case of want of care against the Officers of the ship. It is a strong example of the evil of allowing Chowkeydars to be sent down by the Exporters with Coolies. The notion of sending guards over freemen is preposterous, and the evils of such a practice obvious. How it was ever allowed by the Authorities is surprising. These Chowkeydars, men perhaps hired for the job by the Merchant's Sirkar, or the Cooly Agent, leave the ship before she puts to sea, and therefore can hardly be punished for any crime committed on board. In this instance had the Chowkeydar gone on to Demerara with the ship, he would have been tried for his life there. As it was, he returned to Calcutta, and escaped with absolute impunity, because it is said there was no evidence but that of the other Chowkeydars, who either could not or would not give any evidence as to the fact, except that the murderer was a man "with whom the Captain and the "Surgeon had been angry."* Seeing that the Surgeon had written from the Sand Heads the full particulars to a most respectable Mercantile House here [which letter we received from the Superintendent of Police,] that the evidence of the Pilot does not seem to have been called for, that the murderer never seems to have been detained, and that none of the other Chowkeydars was even examined on oath, the prosecution of the offender was I think too hastily laid aside.

Murder on board "Hesperus."

* Appx. p. 225. Evid. Q. 181 to 191. Q. 15 to 18, p. 165.

* Evid. Q. 189.

69. Now this is but one of many instances, in which, I think, very great practical evil has resulted from the fanciful course which the enthusiasm of the public, and the legislature, and even the Executive Government apparently, has taken in regard to this whole matter. A man is murdered on shipboard under very aggravating circumstances of cruelty. The murder is taken up by the public here and at home, with much humane zeal, and urged as an argument for prohibiting generally all men of the class of the murdered man in like circumstances from proceeding on shipboard. But no one seems to have suggested the propriety of enforcing the existing law in the usual manner, in order to endeavour to bring the murderer to justice, and so to prevent the like in future; and no enquiry seems to have been made into the particular proceedings of the Magistracy in this case. The case of the "Adelaide" often mentioned above, is of the same nature; where the Coolies were

Observation thereon.

the only observation is that the Doctor never saw such bad medicine, nor so small a quantity. The "Whitby" was very unhealthy indeed, the Coolies came on board in good health, but before the Pilot left 20 were ill of Jail fever, p. 223. In the "Adelaide" the Coolies came on board in a dreadful state of ill health, p. 215. This is the vessel in which 24 died out of 72, attributable clearly to long confinement and bad treatment.

turned over from vessel to vessel, and lay for a length of time off Town in a state of false imprisonment, and "in a state of great privation;" in consequence of which one-third of their number died. But when the report of this came from Mauritius, no step seems to have been taken to punish the offenders. The open false imprisonment of Coolies by the hundred on shore, with absolute impunity, tells the same way. The evil is that the old existing laws have not been duly enforced, and the proper remedy is that greater vigilance should be exercised, in order to secure their enforcement in future.

Conclusion on abuses on shipboard

Suggestions as to Ship Rules

70. After carefully going over the whole of the abuses on shipboard, I am convinced that there are none which may not with perfect ease be checked by obvious means. These abuses are proved to have been very partial. The Regulations, I think, require amendment,(a) and they should be enforced strictly *against* the shipper. More space should be allowed each Cooly; three tons I should say to a man, and a proportionate allowance of clear deck besides. More water should be allowed. A certificate of seaworthiness should be required. No Chowkeydar should be allowed on any account to put his foot on deck. A Code of Ship Rules should be prepared, which all Masters should be bound to enforce, giving the Coolies as free passengers as much regulated liberty as possible. A knowledge of the language and habits of the Coolies, such as is usual with Masters in the country trade, should be required in one Officer on board at least. I think too that no Coolies should be allowed to go in a ship of which the character of the Master is not known to the Protector of Coolies. Generally I believe the Masters of country vessels are by temper and kindness well qualified for such a charge, but amongst so many it would be strange if there were not some unfit men. Above all I think that ready means should be afforded to the Coolies, immediately on arrival at the Colony, to prosecute if they please effectively and speedily the Officers and Crew of their vessel, and to obtain pecuniary damages for all injury or maltreatment suffered on boardship. Without this the best Regulations will be ineffectual.

And facilities of prosecution on landing.

Opinion as to Ship Surgeon

71. As to making it necessary to have a medical man on board, I confess I think reason and experience show this to be a weak point to lay stress upon. I am inclined to put much reliance on the opinion of some of our experienced witnesses, who think that the presence of one of the persons called "Native Doctor" is often rather disadvantageous than otherwise.* And in the next place it does seem to me strange, that in the case of, say one out of many hundred thousands of a class of men who from birth to death, and from generation to generation, live without medical attendance, it should be made a great point to subject him to European medical discipline for two months of his life only: and this whilst Native Sailors leave our ports daily in hundreds, for voyages of much longer duration, without any such provision (whether for good or ill) being made for them. Yet the Native Crews are not unhealthy, and are not liable to an excessive rate of mortality.(b)

* Evid Q. 51,5808.
See also Dr. Wise's paper, para. 7 Appx p. 334.

(a) Master Pilot Smart's suggestions contained in his paper No 17, p. 251 of our Appendix, appear to me generally judicious and practical.

(b) There is a law in India requiring every vessel sailing beyond the limits of the Charter, to carry a Surgeon. See Rules and Regulations passed by the Governor General in Council, under authority of 4 Geo 4, C 80, on 31st January 1828. I can find no such Regulation for ships sailing within the limits of the Charter. It is the general belief that Lascars in country ships are healthy, as those ships carry medicines which are administered by the officers with good effect in common cases.

72. I am very sorry that I have occupied so much paper on a part of the question (the voyage) which the Report disposes of, as far as the narrative of facts is concerned, in twelve lines. But it will be admitted that to combat, by reference to the details of evidence, a general unqualified position, is a more tedious task than to lay down such a position. Fully aware that it is the evidence that will speak, and not my humble judgment on it, which is greatly overbalanced by the bare opinion of the majority, I have tried to give what I believe a fair view of it. It is now for those who have studied it to say, first, whether such evils, as have been proved, in the passage, are remedyless by any regulations; and next, whether, in order to remedy them, it be necessary to conduct the transport of Coolies by Government, under command of Her Majesty's or the Hon'ble Company's Naval Officers, as proposed in para. 41 of the Report.* I hold the affirmative of the first proposition, and the negative of the latter.

* See also para. 30 of Report.

73. I now come to the third and last class of evils which are to be considered as affecting this great question, viz. the abuses alleged to exist in the Colonies to which the labourers proceed. This part of the question must nearly be confined to Mauritius alone, as we have little evidence of the state of the Coolies in other Colonies.

III. ABUSES IN THE COLONY.

74. It may be presumed that a Colony, where nearly all the inhabitants were very lately either slave owners or slaves, has much to learn in the management of free laborers. It is principally upon the master that the good or bad result of the relation of master and servant depends; and that a master bred with the habits and opinions of a slave owner should, from his inexperience, for some years after the loss of his slaves, fail to manage free servants well, is a very natural event. It is also not unnatural to suppose that the circumstance of the first free working people arriving in an emancipated Slave Colony happening to differ in color, language and manners from the old *caste* of slave owners, much in the same way that the late slaves did, would make the masters more apt than they would even otherwise have been to overlook the fundamental distinction between such working men and those to whom only they had hitherto been accustomed. All this, of course, is no reason for preventing free laborers from going to an emancipated Slave Colony, which must begin to learn the ways of freemen some time or other. But it is a reason for taking special precautions in the infancy of the freedom of such a Colony, by providing an ample supply of Ministers of Justice, both high and low, brought up in a better school than a Slave Colony can be, and free alike from the faults, follies and prejudices of slave owner and slave, whose duty it should be to keep both parties in order in their new state, for which both must be ill prepared. This was all along foreseen by the great men who carried emancipation, so far as the interests of the emancipated slaves are concerned; but it was not foreseen that similar extraordinary precautions would be necessary, in regard to *other* freemen who might spring up in the Colony. The case of Mauritius, however, has demonstrated that in a society of late slave owners, immigrant free laborers are as much in want of extraordinary protection as the Negroes were. Habit is a strong antagonist to well executed law, but if the law is indolently, not to say partially, executed, habit is all-powerful. It is a hard thing for any set of men to be made to apply the law in their own cause; but it is

General views with reference to the circumstances of the Colony.

wholly unreasonable to make a party apply the law in his own cause, who is in so new a position that he does not know the rights of either disputant. To remedy this evil much has lately been done in Mauritius, by making the Special Magistrates decide all causes between master and laborer. Our evidence was taken before that wholesome change was made, but in evidence taken from several time-expired Coolies who have returned since our Committee closed its proceedings, we have the satisfaction of seeing proof that this change has been of extreme practical benefit, and that it was observed and appreciated by the Coolies.* I conceive, however, that more may still be necessary to be done before the Coolies in Mauritius can be regarded as holding the same place there as freemen, that they hold in their own country. I will notice the points to which I now allude, as they arise in my summary of our Evidence.

* See additional Evidence, p. 8.

75. If it was supposed in Mauritius, from the respectful and obedient habits of the Indian laborers, (which are freely admitted by the Planters,) that they were accustomed to forego any of the *essential* rights of freemen, a great mistake was committed. M. D'Epinay has well observed of these men that "they appear to "have a just notion of their *rights* and of their duties."* They expect to have the stipulated amount of wages paid them, and the stipulated quantity and quality of food given them. They know that they must work, but after working hours they expect not to be confined, or otherwise treated like prisoners, but to be left wholly their own masters till working time comes round again. They are unused to being apprehended when walking about on a Sunday or Holiday, if they have not obtained a ticket of leave. They expect to work without having an overseer constantly behind them with a rattan, or a mule whip. In some or all of these reasonable expectations I fear they have often been disappointed.

* Parly. Returns, p. 92.

Notions of the Colonists.

76. To show the notions of the mass of land owners and masters in Mauritius, as to what they think the lawful *status* of free laborers ought to be in their Colony, it is enough to read Lord Glenelg's despatch on the Ordinances Nos. 16 and 17 of 1835,* and the remonstrances and alarm which the disallowance of those monstrous enactments caused amongst the proprieteures. To show to any person who knows the character of Indian laborers, the practical effect of these notions, it will be enough to inform him that there have been several assemblies and commotions amongst various batches of Coolies, complaining more or less riotously of their treatment.* Some years ago it was reported that it became necessary on one of these occasions to turn out the troops.* To think of a Regiment of English Soldiers being turned out to oppose a riotous assembly of Coolies who had disputed with their employers, will make an Indian resident smile; but when he comes to reflect on the treatment that must have induced such proceedings, he will cease to smile. Who ever heard of riots of this sort in India? Villagers will often rise to resent oppression, and hired bludgeon men will do their master's bidding, but who ever heard of employed Coolies turning out against their employers, and thereby endangering the peace of the country? When has the Regiment in the Fort been ordered down to the Fort Gloucester Cotton Mill to repress the workmen? In this very town, in a space of less than ten square miles, it is calculated that a number of laborers enter every day to work, and depart in peace every night, equal

* Parly. Returns, p. 69.
* Parly. Returns, p. 114.

Effects thereof.

* Evid. Q. 995.
* Evid. Q 299.

probably to the whole population of Mauritius; and who ever heard of a riot amongst them? Putting kindness out of the question, we all know that common honesty, which, matters being here left to take their natural course, is indispensable to a man who desires to employ laborers, secures us from turbulent Coolies.

77. But for all this injustice in Mauritius which appears to me to be proved to have existed in many instances, the remedy is obvious, and it has, in great part, *already been applied.* There is, I apprehend, no danger of the Mauritius Planters being allowed to make laws for the rest of the inhabitants of the Island, for some time to come, and fair laws, administered by disinterested men, already exist. I believe some amendments are required, but if so they can easily be made. In talking of laws it will be borne in mind that law every where is but the last resort on special occasions. The disputes between master and servant are fewer probably than any other class of disputes, because it is *immediately* the interest of both parties to give no strong cause of complaint to each other. There are, as we have complete proof, a great number of masters in Mauritius, whose laborers had no need of law, being treated upon the whole with fairness. But these cases form no argument against the necessity of having good laws well administered to protect the Cooly which will not be applied but when they are needed. **Which are remediable.**

78. Let us now see whether the details of our evidence bear out the general views above taken. **Details.**

79. The first point, and I believe the most important of all, is the practical administration of justice in the Colony as far as the Coolies are concerned. And here it is very necessary to bear in mind that our evidence relates to the time before the cognisance of these cases was given to the Special Magistrates. This point is treated in para. 19 of the Report, and with what is said in that paragraph, making the allowance abovementioned, I fully concur. I will nevertheless, in this point, pursue the scheme of this Paper, of which the object is to give a more minute view of the evidence than the scheme of the Report allows. **1. Administration of Justice.**

80. Mr. Scott of the Bengal Civil Service, says "the Indians, as a body, are "infinitely less able to obtain redress in disputes with their masters than the "apprentices are." He adds "the feelings of the latter" (the Coolies) "in regard "to the Commissaries (*a*) were any thing but favorable, and the impression was "universal among those I saw as to the uselessness of complaint in such quarters."* Dr. Wise, a gentleman of the Bengal Medical Service, has formed a contrary opinion. He thinks "that an even-handed justice is dealt out to the free Indian "laborer, and that he is not slow in availing himself of it."* I do not, however, gather that Dr. Wise's opinion was formed from personal intercourse with the Coolies, as Mr. Scott's appears to have been, Dr. Wise thinks that the Coolies often lodged pretended complaints, but I doubt whether he is right in this. Monsr. D'Epinay, a Proprietor, reports that whenever he has observed differences between the Coolies and their Masters, it has been because their habits have been

* Parly. Return, p. 137.

* Appendix, p. 336.

(*a*) The local Magistrates, or Judges.

* Parly. Return, p. 119.

shocked, and the letter of their agreements has not been strictly observed. (*a*) Sir W. Nicolay, the Governor of Mauritius, speaks of the paucity of complaints as rather surprising,* and most complaints are reported by His Excellency to have arisen from infractions, *on the part of the employer*, of the terms of the agreement in the article of food. Mr. Shaw, of the Bengal Civil Service, adduces a gross instance of denial of justice by a Commissary of Police, who when a grievous complaint of bad treatment against their Master's Superintendent was brought before him by some Coolies, refused to inquire into the case, and sent the complainants back, *under a guard*, with a private note to the Superintendent, stating that he dared to say the complainants were in the wrong, and therefore *he had admonished them* "and sent them back."*

* Parly. Return, p. 110.

* Appendix, p. 330.

Coolies evidence on this point.

81. Bebee Juhoorun says "*three times* I complained of Mr. ——— (*b*) to "the Police; he was summoned but did not attend. There was some communica- "tion between him and the Police, and I was sent back. That is a money-eating "Police, they take bribes; if you complain of the Police and the defendant pays "money, you get no redress." Suboo says "that the blacks took 8 Rs. from him "before the eye of the Magistrate, who took no notice of it;" but this, as it is stated, seems to me incredible. The evidence of the Coolies who complain of ill treatment in Mauritius, which I will mention in another place, if it is believed, must prove that in many cases justice was not practically attainable by the Cooly.

Evid. Q. 598.

Evid. Q. 888.

Must now be improved.

82. But to whatever extent there may have been a failure of justice under the old system, (and I must say that I fear it was to a very great extent,) and whatever may have been the causes of that failure, whether from the distance of the Head Police Office from most estates in the interior, the difficulty of getting the *Commissaires Civils* to understand that black laborers were freemen, who had a right to sue Planters, and all other men, for breach of contract, or from other causes, now that the Special Magistrates, being disinterested gentlemen, distributed all over the Island, have been appointed to give justice to the Cooly, there cannot be a doubt that the administration of justice must have greatly improved. The opinion of Rev. Mr. Garstin, an unbiassed and intelligent inquirer, is important upon this point. He says "I consider that the appointment of the Special "Magistrates is calculated to remove all apprehension as to the future treatment "of the Coolies of any kind. The system in regard to the apprentices is very strict in dealing out justice."* The evidence of Ramdeen and six others, out of the 47 men lately returned, is conclusive on this important head; he says, "we asked them," (viz. Coolies belonging to other estates who used to complain of not getting enough food,) "why don't you complain to the Police, they said they got no "justice there, they were only sent back again. Of late there has been a new "arrangement, under which there is not much oppression."* I understood the witness to mean a general improved administration all over the land.

* Evid. Q. 800.

* Page 8 of addl. evidence.

(*a*) "Ce qui importe avec ses hommes, qui paraissent avoir une juste idee de leurs droits et de leurs devoirs, c'est de tenir punctuellement a ce qu'en leur a premis." J'ai remarqué, que partout ou il y avait eu des differends entr euse et les Proprietaires, ou Regisseurs, cela venait de ce qu'en leur avait peurté leurs habetudes, et pas apex strictemend observe la lettre des engagements.

(*b*) Her Master.

83. The next consideration is the general treatment which the Coolies receive in Mauritius. This point is treated in para. 23 of the Report, and with much of what is said in that paragraph I have to express my concurrence. Our evidence plainly shows that in this particular there is a great difference in the fortune of different batches of Coolies. This point, on which in my view of the subject the question mainly turns, though the fact is admitted, is not treated in the Report as if it materially affected the decision. I will hereafter endeavour to show that, under the circumstances, it is not the average, but the best treatment that we ought to form our judgment by. Mr. Shaw says, "the happiness or misery of the emigrant during his sojourn on the Island depends entirely, I may say, upon the master he "may be destined to serve."* Mr. Shaw gives an instance of very bad treatment on the part of a petty proprietor, and it seems generally believed that the smaller Planters are the worse and the larger the better masters.* Mr. Scott who went about amongst the Coolies, reports thus—"The main result of these enquiries "leads me to the conclusions that the condition of the labourers practically depends "on the individual character of his employer, and that the terms of the agreement "are trifling compared with the spirit with which they are interpreted." After giving specific proof of this, Mr. Scott instances that Mr. Hunter and Monsr. D'Epinay were spoken of more than once very highly, by the Coolies, but others were mentioned in terms equally unfavorable.* The evidence of the Coolies themselves is very decisive on this point. Sheik Manick's evidence goes to the effect of there being an extreme difference in the treatment of different masters. He says, Coolies employed by English masters got enough to eat, were regularly paid, and were satisfied to remain, the exact contrary being the case with Coolies employed by French masters.* Boodoo Khan says, "those (Coolies) who are "under good masters are willing to remain, but those who are in the service of "Frenchmen are happy to come back."* Being asked, "Did you see any Coolies "serving under English masters?" He answers, "I saw many, they speak in high "terms of their masters, they say they get every thing but oil.*" Kharoo says "those (Coolies) that are under good masters wished to remain, and those that "are under bad masters wished to return, even without receiving their pay."* The evidence of the returned Coolies, lately taken, is strikingly corroborative, in this as in all points, of the more scanty evidence before taken by our Committee. I extract one part of the evidence of Ramdeen and six others in the note below. (a)

2. General Treatment.

Differences of treatment.

* Appendix, p. 330.

* Appendix id. See paras. 1st and 4th.

* Parly. Return, p. 136.

* Evid. Q. 649 to 652.

* Evid. Q. 688.

* Evid. Q. 689.

* Evid. Q. 881.

84. Now this difference of treatment, and the consequent difference in the happiness of the laborer, seems to me the most important point in our whole evidence. Fortunately it is one on which the evidence is indisputable. It seems to me to do away wholly, in the general view it is our duty to take of the question, with the effect of every case of bad treatment that occurs. Because, I maintain, if you give these people fair laws, and make those laws accessible, and if you

Argument founded on this fact.

(a) We have no ill treatment to complain of ourselves, but on Sundays, when we mixed "with other "Coolies on other Estates, we heard complaints of ill treatment from some. They complained that as a "punishment their hands were tied behind them, and they were whipped with the mule whip, and their "feet were put in the stocks. We never saw this done but heard of it. We have heard complaints from "other Coolies of their not getting enough to eat; some said they were not allowed ghee, others that they "were not allowed dall, others that they were not allowed enough rice."—Add. Evid. p. 8.

enable them to leave their employer whenever that employer breaks *his* part of the contract, (of course without prejudice to other civil remedies,) the ill treatment on the part of the master, in the fortunate circumstances of Mauritius, and indeed of all our Colonies, as far as the interest of free laborers are concerned, must cease of itself. For such masters must either instantly be taught the necessity of managing their workmen by fairness and kindness, or they will be deserted by all their workmen to their own certain ruin. I ask no protective laws for the Cooly. I ask only for such sound laws, and such equal justice, as will give natural principles fair play. With such the Indian laborer in Mauritius, and I believe in other Colonies, will be the most fortunate laborer in the world.

Confirmed by experience.

85. However sound a deduction may be, it is always the better if proved by actual experiment. Fortunately, since the close of the Report, that proof has been afforded by the examination of the forty-seven time-expired Coolies just returned. In two batches, out of forty-nine men remaining when the contract time expired, twenty-six, more than one-half, have, in preference to returning with the rest, voluntarily renewed their engagements at double wages, or ten rupees a month.

86. The particular instances of bad and good treatment in the Colony shall now be reviewed.

87. I will not mention the evidence of Abdoollah, the Native Doctor, on this point. (*a*) Captain Mackenzie gives us a case when he brought back a Cooly who said he had received no pay for eighteen months.* The evidence is second hand, but I cannot doubt the fact, as the Cooly can have had no possible inducement to volunteer a falsehood to the Captain, who he must have known could do nothing in the matter. Bebee Johoorun gives a very bad account of her own treatment, and that of certain other Coolies. They were defrauded, she says, of their stipulated wages, and generally ill used; they could get no justice from those appointed to administer it, they were confined after working hours to their plantation : there was a "Captain" (overseer I suppose) an Englishman, and four Sirdars, mild men, who screened the Coolies from oppression as much as they could, and would not allow the master to beat them; before that the master used to oversee the work himself, and he beat the Coolies; "it is a country of slaves, the Negroes "are slaves there;" three Coolies hung themselves, as the other Coolies understood because they could not bear the hardships of the life they led, "but they did "not say so to the Police for fear.* I conceive that Bebee Johoorun, had she "spoken in the past tense, would have pointed to the true cause of this "inhumanity, it *was* a country of slaves." Sheik Manick states that he was shamefully defrauded of the food and wages which he was told by a gen-

* Evid Q. 296, 426.

* Evid. Q. 598.

(*a*) I have before (see para 47) shown that this man's evidence is not generally trustworthy, and it is this part of his evidence in which Mr. Dowson has specially disproved him. For he stated that in his *first* voyage he was two months on the Island, not three weeks as Mr. Dowson thought (*Evid Q.* 380) *during which time* he learned the facts he details, whereas he left the Island on the third day after his arrival, (Evid Q. 1059) Nor could he have confounded his two voyages, for he says he was *one* month on the Island the second time (Evid. Q. 470.) This shows the desire of *case-making*, and that in a Native witness, upon a general question, is fatal. What induces me to rely with such confidence on our Cooly Evidence, is, that none of the Coolies evince the least desire of *case-making*. They tell good and bad, the one as freely as the other.

tleman at the Police (in Calcutta) he was to get if he went;* so also as to his hour of work; they had not sufficient food allowed them to eat;* they were never paid at all, much less monthly;* they were killed with overwork;† on asking for his stipulated allowance of food and wages he was sent to the Police, put into the House of Correction for two months and a half, and sent back to Calcutta,* he got no pay at all though he worked for a "year and three quarters."* The country is good, the water is good, but the people are very bad. They do not pay their servants, nor give them sufficient food.* Still this witness is discriminative, and as above shown allows that under some masters the Coolies have no ground of complaint. It is plain that this last witness, who was engaged as a Sirdar or Headman, and his employer quarrelled, for which due allowance must be made; but I doubt if the Cooly had justice afforded him. The practice of putting dismissed men into the House of Correction till the moment they are sent on shipboard is monstrous, as it prevents the possibility of the Cooly obtaining redress, and neither the Cooly's employer nor the Police have any right to prevent a man, who has been dismissed by one employer, from trying to obtain service with another whom he may prefer. It seems to me neither the Police of Mauritius, nor those who make the Regulations under which the Police act, suspect, when they have Indians before them, that they are dealing with free subjects of Her Majesty, with whose movements, in their own country, no one has any right to interfere.

* Evid, Q. 622.
* Evid. Q. 632, 633.
* Evid. Q 634.
† Evid. Q. 641.
* Evid. Q. 634 to 636.
* Evid. Q. 637.
* Evid. Q. 644.

88. The evidence of Boodoo Khan, also a dismissed Sirdar, but under a different employer, is exactly to the same effect as the last. He did not get sufficient food, being engaged as a Sirdar he was required to work like a Cooly, and on refusal he was sent to the House of Correction; he never received a single courie of his wages.* He was sent back to Calcutta, directly from the House of Correction, though he had said he did not wish it, but wanted his pay.*

* Evid. Q. 679, &c.
* Evid. Q. 686.

89. The Coolies whose examination the Revd. Mr. Boaz's Reports* said "we were never allowed to go out" (of the plantation) "and kept in almost close "confinement."—"If a man of our own place were in the next plantation we were "not allowed to visit him." This seems to be attributed by the Coolies "to fear "lest disturbance should arise if free intercourse were permitted." This dreadful system of confining free men like criminals or slaves, seems to have been universal or nearly so.* It would be childish to investigate the alleged necessity of such barbarity. Why should the free going about of a few thousand Indian laborers in Mauritius be more apt to breed disturbance than the free going about, for example, of from ten to twenty times* the same number in a much smaller space around Calcutta. The real reason is plain, such a law was enforced with black slaves, and it does not seem to have struck any body that there was any essential difference between the cases. If this confinement was legal, what sort of laws must the Colonial laws be? If it was not, what sort of an administration of justice, in regard to Indian laborers, must there be? This law or practice, so long as it is continued, will, I think, be a strong argument against allowing any Indian laborers, or indeed any free person at all who will be subject to it, Indian or Englishman, from going to the Colony, because in effect, it does go far to make all who fall under it slaves; and it really looks as if it were expressly intended to preserve,

* Evid. Q. 9, p. 163.
* Addl. Evid. p. 9.

under a new name, the essence of a mitigated slavery, by preventing men from making a fair market for their own labor, and from freely resorting to law to obtain redress, when injured by their employers. But I cannot doubt that a word from the Indian Government, explaining that innocent Indians in their own country cannot lawfully be confined, would cause a stop to be put to the practice.

90. Mr. Shaw reports his belief that the laborers are attended by an overseer in the field, and when idle they are not unfrequently rattaned by him.* Here too was another manifest vestige of slavery. I am not one of those who transfer to the case of an Indian laborer who receives an occasional whipping, the feelings which would be proper in the case of an English laborer so treated. I believe that the Indian laborers would prefer this to many more legitimate punishments, though I should be sorry to make such a punishment legal, or in practice to refuse an Indian laborer reasonable redress, who should complain of it. But the following about of laborers systematically with rattans, or mule-whips [not to put faith in the more suspicious instruments Adullah describes] *(a)* is a very different thing from an occasional whipping. The one necessarily makes the laborer work, and feel, and think like a slave, and converts the overseer into a slave driver; the other has no such effects. This is another proof that some of the Planters at least were ignorant how to treat free laborers. We have, however, Sir W. Nicolay's authority* for this practice having long been unlawful, *(b)* and all our information of such treatment is of old date.

* Appx. p. 332.

* Parly. Returns, p. 72.

91. The evidence of the lately returned Coolies affords strong ground to believe that this slavish manner of treating laborers has already been put a stop to generally, whilst it confirms the former evidence as to its having formerly been practised by some masters, though others have eschewed it from the first. Ramdeen and six others, after mentioning that on some estates the Coolies as a punishment had their hands tied behind them, and their feet put in the stocks, and were whipped with the mule-whip, say "before the liberation of the slaves which happened "about eighteen months ago, they used to force the Negroes to work very hard, "and the Indian laborers were similarly treated. If any one lagged behind, he "used to be beaten. When the slaves were liberated this mode of treatment "ceased; now there is a good arrangement, and the work is done without beating. "We were never thus treated ourselves, we speak from what we heard from others. "The whipping and putting in the stocks is an old story, it occurred before the "liberation of the slaves."

Addl. Evid p 8.

92. The evidence of good treatment is necessarily less precise than that of ill treatment. But, I think, considering that it is general evidence, it is quite as certain. Captain Rapson, who speaks of three estates of his own personal knowledge, thinks the Coolies generally well treated in Mauritius.* Captain Edwards, speaking of about 100 Coolies employed as porters on the wharf, says that they do not

* Evid. Q 57.

(a) A leather thong about an inch broad, and nearly a fathom long. Evid Q 391.

(b) Sir W. Nicolay is surely mistaken in believing that Indian laborers in their own country, by general usage, are *liable* to corporal punishment. Corporal punishment is no longer amongst our legal penalties, even for criminals. To occasional violations of law all men in all countries are liable; but in that sense only are Indians liable to corporal punishments in India. The case seems the same in Mauritius.

appear to be overworked, that they are in good condition, and rather fine looking men.* Captain Rayne gives a similar account, though he says the Coolies told him they did not expect to be so hard worked. He comments too, and I think with justice, on the hard case of a man who, being injured in the performance of his work, did not get his wages whilst he was laid up.* Dr. Wise reports as follows: "After frequent opportunities of observing the Hindoo Coolies, I can safely say "that they are generally contented and happy in that delightful Island."* The evidence of the Rev. Mr. Garstin, who visited five or six estates, and saw some hundreds of Coolies, and who also spoke to Coolies on the public roads, is to the same effect. He does not remember a single instance of a Cooly having complained of any thing to him; though he remembers one complaint of having been beaten being made to another person. Being asked to describe the condition of the Coolies on one estate, that of Mons. Reviere, he says, "those that I noticed, struck "me as being stout men. I remember that I particularly remarked the stoutness "of some, and was told that the reason was that they ate so much sugar. "The relation between master and workmen seemed to be very good. I "remember especially the absence of servility on the part of the Coolies, "and a kind and familiar style on the part of the master, such as tapping a "Cooly on the shoulder, and speaking of him as a *bon sujet*," *&c.** Kharoo and Suboo, two Coolies returned in bad health, both say that the masters at Mauritius are good, but the black overseers bad.* Ramdanee says that the Coolies got their pay regularly in presence of the Police Judge; that they got plenty to eat, and that if there was any fault in this, by lodging information at the Police the master was fined.* Mr. Onslow, of the Madras Civil Service, says that the Coolies in Mauritius appeared to him in exceeding good condition, well fed, not overworked, and quite contented. He does not however mean to say there were no complaints.* Of one party with whom he was able freely to converse, as they spoke Teloogoo, he says "they were exceedingly "merry, and cheerful, and expressed themselves quite satisfied with their treat-"ment, but at the same time anxious to return to their own country when "their time of servitude should expire." This last seems a very general feeling amongst the Coolies, and who of all those whose lot it is to mend their fortunes by long service in a distant land, whether in high or low degree, could express his own feelings more clearly than by those very words?

* Evid. Q 545.
* Evid. Q. 824.
* Appx. p. 335.
* Evid. Q. 793.
* Evid. 879, 888.
* Evid. 899, 900.
* Evid. 992 to 998.

93. The examination taken of four different batches of Coolies, lately arrived after serving their full time, is very satisfactory, generally, upon the head of treatment, and shews beyond a doubt that under good masters, of which it is but justice to say there certainly were many, both French and English, the treatment was good, and the labourer happy. Gooroodyal says "they exact hard labour, and food is dear." "If it is my pleasure I will go back."—"We once had a complaint at the Police against our overseer. He was sent away, and then the allowance was complete. They all get their pay regularly." Fifteen men agree in this. There are no complaints of beating, though Chummun says "I was flogged (struck?) once for not working properly. I only got three or four slaps. I was never touched with any whip." Bundoo too said he had been beaten. Muttur was beaten if he did not do his work. The rest were never beaten. Of another batch two or three say they were flogged, one for getting drunk; another says he was beat, but if he was beat

he deserved it :—he said, "they were father and mother to me"—there were no complaints of bad treatment made by any one man, out of forty-seven. There was a complaint against an oppressive Sirdar of another batch of men, but that is irrelevant; being merely the sort of oppression that occurs here amongst Natives. Sheo Suhaee and another set say "we had English masters, and were well treated. We "were never beat. I cannot say whether I shall return—we may after seeing our "children."*

* Addl. Evid. passim.

94. Of the treatment of the few Indian laborers who have gone to Sydney, we have not much information. Mr. Onslow says, "I can speak very little indeed "of their (the Coolies) treatment in New South Wales, from my own knowledge. "I did, however, see about twelve or fourteen employed in the neighbourhood of "Sydney. I could not converse with them myself, as they spoke a language I did "not understand, but through the medium of an interpreter I understood from "them, that they were well satisfied with their condition, and particularly that they "were able to save some money. I learned also from undoubted authority that "their Savings were regularly deposited in the Savings' Bank. I saw gentlemen "who employed the Coolies, and they invariably expressed themselves highly "pleased with them in every respect."* Mr. Mackey has engaged 42 Indian "laborers in New South Wales, and gives a favorable account of them, saying that in general they are all satisfied with their service.* But here too I suspect the five years' contract, so long as it cannot be set aside by the Cooly under any circumstances, or on any payment, a dangerous system. I look upon the case of New South Wales as a much more difficult case than Mauritius, or any other of the old tropical Slave Colonies. There are no Special Magistrates in New South Wales, nor do the general circumstances of the Colony require them. Magistrates wholly unconnected with the class of employers cannot be looked for in the interior of that vast continent. If Indian labourers should become so general that a great part of the agricultural work of the settlements should be performed by them, labor would probably be despised by the white men. But this is a question beyond our province, our inquiries being confined to the case as it effects the Indians themselves. The state of feeling in regard to these labourers is by no means satisfactory, according to the account given of it by Mr. Cracroft of the Bengal Civil Service;* nor does it seem certain that this bad feeling was never shown otherwise than by words. A man bound to work for one master during five years, when the master has a summary criminal remedy against him, whilst he, otherwise so unfit to contend with his master, has no summary remedy, civil or criminal, against his master, is, in my opinion, placed in a very unfair position. One case where Coolies "absconded," and were taken to the Police, and were there declared liable to summary punishment is mentioned by two witnesses.* I remember long ago seeing an apparently elaborate account of the proceedings in what was probably that very case extracted from a Sydney newspaper. Perhaps that account was not a fair one, but ever since I read it, a strong impression has remained upon my mind that the proceedings of the Police were very unsatisfactory, and that they were exactly what I should have anticipated from a Police decision upon a case of this sort, involving in my opinion some of the most difficult points of natural equity. The contract is between a knowing rich man and an ignorant poor man, entered into in a far distant land, to be fulfilled under circum-

* Evid. Q. 1,000.

* Evid. Q. 961, &c.

* Evid Q. 1,024.

* Evid Q. 979, 1,005.

stances of which the weaker party can have had no conception when he agreed to the bargain. Now the real and natural equity of such a contract must necessarily be a matter of very great difficulty to be determined, and the relevant facts must, many of them, be very difficult of proof, especially those in favor of the weaker party. Yet, apparently, according to the law of Sydney, and perhaps of most Colonies, such a knotty case as this, when the rich man is complainant, and then only I fear, is made over to a Police Magistrate to be finally settled off hand. It seems to me too much to expect that a Magistrate shall be capable of doing this, in such a manner as to do substantial justice.

3. Want of Indian Women.

95. The third and last evil of this class alleged against the exportation of Coolies, is, that comparatively very few women emigrate with the men. (See para. 22 of this Report.) But I must confess that I think this a very much overstrained objection. I find it very difficult to meet it with propriety, though certainly my difficulty is not caused by the weight of the objection. Yet the objection *may* imply so much, and so much stress has been laid upon it in official documents, and in public discussions, that it must be met.

96. If this were a complaint coming from the Planters, to whom it is a great object to breed up a numerous and excellent laboring population, seeing that Mauritius and all the Sugar Colonies could employ a vast number of more laborers than are now obtainable, and that a vernacular laboring population would be cheaper and handier than imported laborers, I should readily understand it. And as the remedy would be in the hands of the Colonists, whose business it is to make it worth the while of foreigners to settle with them, the complaint would not be matter of uneasiness. But the complaint is made on the part of the laborers and their families. The report goes so far as to say that it may fairly be inferred that the Planters were not desirous of the immigration of women. The apparent ground of this inference is that the Colonial Government have really been anxious for the importation of women, but few have gone. But the only inference, which in my opinion can fairly be drawn from this, is, that no single Planter is so very anxious to benefit the Colony generally, by the importation of women, as to incur individually a great expense for what could never yield any direct or personal benefit *to him*. This seems to me a barren conclusion, I will therefore say no more, as far as the Planters are concerned.

97. As concerns the laborers (apart from the consideration of their families, which I will speak of afterwards,) the paucity of women can only affect them in their morals, and in their happiness, whilst absent. Now I cannot but think that those who have laid stress on this point have confounded two very distinct cases of emigration; viz. the case of men going abroad for five years, in order to make wherewithal to set themselves up in comfort in their own country at the end of the time, with the case of men emigrating for life to a distant land, where they intend to live and die. To afford the latter class all facilities for transporting their families with them, if they are family men, or if they are not, and they are proceeding to a land where there are comparatively few females, to promote in all proper ways the emigration of respectable females, in order to afford the male emigrants, when their means shall justify such a step, facilities for marrying, does seem to me a very

moral and kind thing to do. Yet even in this case, I can hardly look upon this as so necessary a measure that unless it can be accomplished, male emigration for life should be prohibited. For I cannot doubt that natural causes will set all right at last. But forcing a man of the former, or service-seeking class of emigrants, whether he will or not, to incur the charge of exporting a female, and maintaining her in a very expensive Colony, whilst his service lasts, and of importing her and her children back with him, does seem to me a strange point to insist upon vehemently. It will not do to say that it is the employer who is to be made to pay for this expensive requirements. The employer cannot afford to pay more than a certain sum in all for the labor he imports, and whatever he pays for the laborer's wife, beyond the value of any work she may do for him, he must deduct from what he can afford to pay the laborer. The real effect of any such law as this will therefore be, to prohibit the exportation of laborers to all Colonies except those where the want of labour is excessive, and thus the same law might practically open some pestilent Colony in the West Indies, or South America, and close the healthful and neighbouring Island of Mauritius.

98. The late Secretary of State for the Colonies, Lord Glenelg, in his despatch of the 31st July 1838, in noticing this much agitated question, admits the difficulty of providing a remedy for the disproportion of sexes, owing to the habits of Indians; and he contents himself with recommending this point generally to the attention of the Colonial Government. The majority of the Committee, however, do not hesitate to recommend specific Legislation on this delicate subject. In para. 36 of the Report they recommend, in case the export under any circumstances be again allowed, that it be made a *sine qua non* that every ship which exports Coolies shall carry a proportion of two females for three male adults. Now I have no peculiar objection to this specific proportion, more than to any other. I dare say if there must be specific law that this is as good a rule as any. Indeed I do not see how any one such rule can be preferred to any other. I only object to this rule what I think can be equally well objected to any similar rule. Considering then that the object here is not colonisation, I ask upon what data and upon what principles, and with what special design, this proportion of two-fifths has been fixed? It cannot have relation to the families of the laborers, because it is not proposed that the females shall be the already married wives of the laborers, and it would be ridiculous to attempt to discover this fact, and impossible to enforce such a rule, in practice. I am quite sure that a community of females was not contemplated. Yet if the moral and philanthropic objects in view, in legislating upon the subject, are not sacrificed by allowing one man out of every three to serve his time as a single man, and without the chance of marrying during the term, I cannot see how they should be sacrificed if the other two were in the same situation.

99. I conjecture that this recommendation originates in the omission to distinguish between the two very different classes of emigrants above described.*

* See also para. 28 of Report.

100. We in public service in India leave home with precisely the same purpose, and under precisely similar circumstances, with the Indian laborers who take service in a Colony; with this difference only, that our service lasts for a quarter of a century, their's only for five years. If therefore there is a case at all,

in regard to the laborers, there is a much stronger case in regard to us. But what would be thought of a corresponding proposal in our case ?

101. It will be said that the case here instanced, and all cases of service abroad amongst men raised above the poorest classes may be left to be righted in the natural course of things, because a voyage, say from Europe to India, to persons of the classes in question is within their means; not so a voyage from India to a Colony in the case of Indian laborers. And this, I admit. But without pressing the case of privates in the Army, to which this defence will not apply at all, I answer, first, there is a vast difference between five years and 25 years, taken as portions of human life, which tells the other way. Secondly, a long voyage in a frequented line is not so much out of the way of the laboring classes in India on the sea coast as is generally imagined, which will, I think, be shown by the Papers, relative to female emigration to the Tenasserim Provinces which I have permission to append.* From these it will be seen that already native craft sailing from Coringa to Tenasserim convey women, who emigrate from the Coromandel Coast expressly to become the wives of the thriving male emigrants, chiefly from the same Coast, who have established themselves of late years in the Tenasserim Provinces. Thirdly, I am convinced that when all the Indian laborers in Mauritius shall be in that condition of increased prosperity, in which those who have chosen to remain after their contract term now are, and in which all would soon be if they were free to choose their own master on paying the charges of their importer, as I think they ought to be, there will be every chance of many of them gradually procuring Indian wives, either by returning home and going back with wives, or by sending for wives. There is no chance of inducing them *at first* to emigrate with their formal wives and families, who are left in their villages. According to Mr. Scott's Report they would as soon think that their fields should move with them. The only chance of settlement is in the case of individuals who, having already gone to the Colony with the intention of staying, only a short time, have prospered there, and found that they like the place. I cannot think that this object would be assisted by importing into Mauritius several thousand females, such as might be expected to be furnished by the bazars of the sea-port towns, to Captains of Cooly vessels anxious to fill up their legal female complement. To this I may add, that looking at the export of Coolies as a means of benefiting *India*, I think more extensive good will be done by the constant return of laborers improved in mind, body, and wealth, as they certainly are by service of a few years in Mauritius, than by the formation of Indian settlements abroad.

* Appendix to Minute No 2. From Mr Commissioner Blundell, Tenasserim Provinces, dated 9th Sept 1840. Documents received with a letter from Secretary to Government of Fort St. George. No. 6, dated 2d January 1841.

102. There remains the allegation of the evil to the families of the laborers from the desertion of the laborers themselves. The same para. of the Report (22) thus proceeds—"The result of the emigration that has already taken place "has been most disastrous to the families of those who have emigrated, and it is "shewn by the Memorandum furnished to the Landholders' Society by Mr. Taylor, "and printed in the Appendix to the Calcutta Report (pages 366 et seq.) that the "Districts of Bancoorah and Maunbhoom have been burdened with a vagrant and "mendicant population of paupers, composed of the deserted families of emigrant "Coolies." In a Note to para. 37 of this Minute, I have already given my reasons for thinking that this Memorandum, in its present unsupported state,

4. Desertion of Families in India.

cannot be relied upon. I do not mean to say that it is incapable of being so vouched for as to become evidence; I only mean to say that it is not now, as far as I know, evidence on which any argument can be supported, seeing that I do not understand who is responsible for it. I do not know how the Committee came by it, and I do not remember to have seen it or heard of it till I saw it printed in our Appendix * This Return is stated to have been given by Mr. Taylor to the Landholders' Society, in consequence of a request made to him by that body to make inquiries into the matter. It is signed by Mr. Taylor in two places, but no letter from that gentleman transmitting it is given, from which we might have known what he himself thought of the paper. It is not said to have been prepared by that gentleman, nor is it said how he procured it, or the information which it contains. Had Mr. Taylor written a few lines to the effect which this Return is calculated to convey, viz. that many families were left destitute by the emigration of their male adults to Mauritius, this would have been evidence very worthy to be examined into, as being the belief of a most intelligent public officer, who had opportunities more or less of forming an opinion upon the matter in hand. But what is Mr. Taylor's opinion on this matter, is to me at this moment absolutely unknown. I think it so improbable as to amount nearly to an impossibility that Mr. Taylor himself examined witnesses, and recorded the result of the examination in the column of Remarks in this Return. For this Return professes to give a precise history in the cases of 291 individuals and families inhabiting 113 villages. For any *one* man to have procured by personal inquiry of witnesses at first hand satisfactory evidence on all these cases would have occupied, I should say, two or three months of very hard work; at any rate more hours than most officers would give to an incidental application of this sort. Now if, as seems probable to me, Mr. Taylor merely sent in to the Landholders' Society the answers he got to some Circular Order to his District Native Officers, of what value is this paper? I see several reasons for imagining such to have been the case. The two Returns, one for Bancoorah, the other for Maunbhoom, are different in form, the former having seven columns of matter, the latter eight, and the substance of the columns differs, which does not look as if both sets originated from one individual. Again, the English of the Return bears the character of a translation not made by an Englishman from a Native language. I give specimens in a Note. (*a*) Again the spirit of the two Returns is opposite the one to the other. I should guess that the Bancoorah Return was prepared by some Mohurrir desirous to please some person inimical to the system of labourers going from India to cultivate Sugar elsewhere; whilst the Maunbhoom Return may have been prepared by some Thanna Officer who had made a good thing by presents or fees from Arkoties conducting Coolies past his Thanna. The 192 men of Bancoorah are represented without exception to have been labourers, cultivators, or other industrious persons, (*b*) and their families are represented as *now* for want of food begging from door to door, except in the case of 30 men whose "families have taken menial service for

Appx. p. 356.

(*a*) "Said you will get pay at five per month—if you wish can come home yearly—five years you should "remain there, afterwards remain or not as you please, but it is now two or three years not returned nor sent "any money—their profession is labor; at present their families, for want of food, are begging from door to "door." The above is for Bancoorah. The following is for Maunbhoom—"Said you come to the Mauri-"tius, will get you employment, having said this took away." "Did not agree for any wages, but only "stated the words, as in last column and carried away."

(*b*) The profession of the men is omitted by oversight probably.

maintenance." But of the 109 Maunbhoom men, the families are represented as *now* obtaining livelihood by honest and respectable means, such as "by labour," "by service," "by weaving," "by driving plough," "by cultivation," "by washing cloth," "by spinning thread," "by working thread in spindle," "by pottery," "by "shaving," "by shopping," "by gardeners' work," "by basket making," and "by making twine from paut;" with the exception of the families of 31 men who now support themselves "by begging," but in whose case it is not said whether or not before the departure of their relatives they supported themselves in any other way. Again a great number of the Bancoorah men are said to have been deceived as to the distance of their destination, the time of service, and their power of returning when they pleased; but amongst the 109 Maunbhoom men, I find no instance of the least deceit. If these Returns are to be relied on, the Maunbhoom Return would go far to show that we have all been labouring under a delusion in thinking that there have been any abuses at all. Now I, for the reasons given, throw the whole Return aside, as at present informed in regard to it: but I think those who chuse to build upon any part of it, must admit the soundness of the whole, so that if there is much destitution, caused by emigration, proved in Bancoorah, it is proved that there is, at worst little, and possibly none in Maunbhoom; and if a deceitful set of Arkoties cheated the Coolies in the former district, all the Coolies we can hear of from the latter voluntarily proceeded to take service, with a clear knowledge from the first of the terms of their agreement.

103. Having no evidence that seems to me reasonable of the fact of any general destitution being experienced by the families at home, *in consequence of the absence* of these temporary emigrants, I will say that I think such a result unlikely. I have not understood that the desertion of their families is a common vice in the Indian character. All classes marry in very early youth, and for adult labouring men to leave their homes and families for years together, to seek service at a distance, is a very common and a very beneficial custom. Let any gentleman in Calcutta ask his Bearers how long it is since they have seen their homes, their wives, and families. They will find five years not an unusual time. In the absence of the father, the wife is supported by the relations at home; whole families starve in India, but I never yet heard of an instance of any Indian, high or low, not starving himself who allowed a relation to starve. Of late years it has become very common to impute vices to the people of India; but I never heard it imputed by any one, that a disregard of their poor relations was one of their vices. That a great number of destitute families exist in Bancoorah, whose relations have taken service in Mauritius, I fully believe; people well to do at home are not likely to go abroad for service. But I do protest against; cutting off this exhaustless source (which Providence seem to have opened) of immediate maintenance to the strong adult, and of prospective wealth to his indigent family, *upon the plea of compassion.* If emigration must be prohibited for the general good, the thing cannot be helped; but do not let the relief of a starving population, at home, be an argument for the prohibition.

104. If however, the trade were opened, I would suggest that more pains should be taken to facilitate correspondence between the Cooly abroad and his **Suggestion.**

family, and to promote a system of family tickets. *(a)* The Police nominally, afforded the means of sending letters from Mauritius; but practically the measures for this purpose decidedly failed; for very few letters seem to have been so sent. That this would not have been the case, had sufficient facilities been afforded in practice, there can be no doubt.

Conclusion as to alleged abuses in the Colony.

105. It is now for those who have to judge, to go over the evidence referred to throughout this division of my Minute, and to say whether it proves that such evils as are shown to have existed in the Colony, or such as have been alleged to arise in India in consequence of emigration to the Colony, are or are not remediable by improvements of law and administration.* My opinion is that the negative of this proposition is wholly untenable.

* See para. 29 of Report.

REMARKS ON REPORT.

106. I have now exhausted all the material abuses alleged against the system, and in so doing I have noticed the greater part of the division of the Report apropriated to a Summary of the Evidence.* One or two observations in the same division require notice.

* Viz. paras. 9, 11, 13 to 19, 21 to 23.

WILLINGNESS OF COOLIES TO GO.

107. In para. 10 the Report treats the following proposition as distinctly proved, viz. "that if the Natives in the interior, Hill Coolies or others has been distinctly made aware that they were to go beyond seas to a great distance, and to "remain absent for five years, it is probable that not one, or at least that very few, "would have been induced to take such an engagement." I admit that the negative here maintained would necessarily be difficult of proof. But in my opinion the contrary is distinctly proved, viz. that when Indian labourers fully understand the thing, a great many will be found anxious to go to Mauritius. Of the other Colonies we know nothing on this point.

108. Mr. J. P. Woodcock, of the Bengal Civil Service, in his paper on the Cooly Question, says that one of his fellow passengers amongst the labouring people was an old woman "proceeding with one son to join her other two in the Isle of France."* Mr. Patton, the Magistrate of the 24 Pergunnahs, speaking of the time when he was releasing a great number of Coolies who were in false imprisonment, says "one man No. 137 agreed to go; he said he could not be worse off and might "be better." I was proceeding to explain to him the terms of the contract, he said "he did not wish to know; that he might better himself and could not be worse."*

* Parly. Ret. p. 132.

* Evid. Q. 733.

109. *The only five returned Coolies our Committee examined* went knowingly and willingly, as will appear from the following Summary.° Sheick Manick is asked—"If you had known the distance had been so great, would you have gone." He answers, "I was engaged twice, and therefore would have gone whatever the distance had been."* This witness certainly understood his agreement,* and he states that the other Coolies in the ship went willingly, knowing that they were to stay for five years.* Suboo's evidence shows that with a full understanding of the circumstances and conditions he willingly agreed to go.* Kharroo,* though brought

* Evid. Q. 620.
* Evid. Q. 622, 631 to 633.
* Evid. Q. 623.
* Evid. Q. 886.
* Evid. Q. 876 to 878.

(a) One of the Coolies last returned speaks of the want of such a system—Chummun of Patna says "If "we had a plan of Family Tickets for sending money to our families, it would be well," (Addl. Evid. p. 2)

to Calcutta in expectation of employment here, and Ramdeen,* when both were fully informed, agreed to go. An attempt was certainly made to deceive Boodhoo Khan, but when undeceived by his brother, who entreated him not to go beyond sea, and offered to give him money to pay for him if he was in debt, still went willingly and knowingly in all matters, except in having a notion that he was going to serve the Company.* Now our evidence at first hand may have been scanty, but seeing that the above was all we had, as far as that evidence goes, it does not seem to me to bear out the negative conclusion of the majority.

* Evid. Q. 910 and his answer passim.

* Evid. Q. 657.

110. Mr. White, the Acting Joint Magistrate of Cochin, reports the extreme dissatisfaction expressed by some Coolies, who being about to proceed to Mauritius were relanded by him, and not allowed to go in consequence of orders from Government. (*a*) If this statement of a *fact* be read in connexion with the *opinion* of Mr. White's Chief, through whom it is reported, which is in favor of restriction to some extent at least, and the ground for that opinion, which is that if he had not on one occasion interfered, "a number of *slaves of the soil* would have been enticed "away, much to the injury of the landholders," and that "if the Natives of Malabar "are permitted to be thus *allured*, it will prove injurious to the agriculturist, and "as a matter of course to the Revenues of Government,"* the question will appear in a new light, and the result will not be uninstructive.

* Appx. p. 298.

Willingness to stay or return.

111. But what is still more satisfactory than the willingness to go of some Coolies who were not deceived, is the willingness of many to stay, or return, when they know by actual experience what to expect.

112. Sheik Manick expressly told told us he would have no objection to return, if well fed and regularly.* Ramdeen, who has nine relatives there, told us he wishes to go back with three more relations;* and that he would have wished to go back, even if he had not been promoted to be a Sirdar.* A Sirdar who had been sent away from Mauritius for misconduct, appears to have of his own accord returned there again. He was to be sent back again by the Police of the Island, by what law, *(b)* or with what object, does not appear.* One instance we see of a Cooly shipped willingly, without a contract, and without having been before the Police, who voluntarily remained in Mauritius;* and another of a young lad who "clandestinely" followed his brother there and was desirous of remaining.* Mr.

* Evid. Q. 643.

* Evid. Q. 914 to 916.

* Appx. Q. 921.

* Appx. p. 193.

* Appx. p 201.

* Appx. p. 203.

(*a*) "Three Coolies relanded by me under Orders of Government, dated 17th July 1838, were most "unwilling to break the contracts they had entered into, and remonstrated against the injustice of being sent "back to the Cochin Country, where they could find no employment, and would be left to starve. They "were forwarded to the Dewan, who set them at liberty, and I was informed that they immediately "returned to Cochin, where it is not at all improbable they may now be earning a dishonest livelihood. I may "further state that those Coolies who were refused permits on account of their being subjects of the Cochin "and Travancore Rajahs, remained for days at this Cutchery, and endeavoured by every means in their "power (setting up false names, false places of residence, &c.) to obtain the necessary permits, which it is "not at all likely they would have so coveted if any abuses had existed in the method adopted to procure their "services." Appx. p. 299.

(*b*) As the Governor explains that Indian Coolies are under the general laws of the Colony, and as we may conclude that there is no Colonial Law authorizing the Commissary of Police to transport Her Majesty's subjects, if being in service, they do not give satisfaction to their employer, this looks like an instance of that practice of treating Indians as if they were different from other free British subjects, which I think so objectionable, and unlawful.

Garstin says, "most of these" (Coolies in Mauritius) "however, whom I ques-
" tioned declared that in case they returned to Bengal at the end of their term of
" service, they would go back to Mauritius after having seen their families."

113. On the above evidence, I felt obliged to differ with the Report on this point, even before the return of the 47 Coolies by the John Bagshaw. But the additional evidence given by those men will, I imagine, set at rest this question, as it shows that a large number of Coolies of particular batches, apparently more than half, on the expiration of their engagement voluntarily renewed their contracts at double wages; while of those that preferred returning home to see their friends, none are sure that they will not go back again, and many think it probable or are sure that they will;* provided of course the prohibitory law, the use of which is not apparent to them, is repealed. *(a)*

Addl. Evid. passim.

Capacities of Coolies to understand the bargain.

114. In paragraph 12 of the Report, it is stated as proved that in many cases the Coolies, especially the Hill Coolies, were "incapable" of understanding the nature of their contracts, even when an apparently sufficient opportunity of explanation was afforded. In this I wholly disagree. The opinion is irreconcileable with my own experience, for I have always found the lower orders in this country very shrewd in matters of this sort. I find no evidence that appears to me to support this sweeping conclusion. I find much evidence of the existence of a great many very intelligent men amongst the mass thus spoken of in the generality. I have examined a good many returned Coolies, and without exception they appeared to me intelligent persons. Possibly a few half witted men went to the Colony, though I remember but one such instance mentioned;* but excepting such cases I have no doubt, without meaning the slightest disrespect to ourselves of the Committee, that every individual Cooly is so far not incapable, that he understands his own interests infinitely better than all of us put together do. That they know the latitude and longitude of Mauritius, I do not mean to say; *(b)* but that without exception every Cooly whom I have spoken with on the subject recollected and could give an intelligible and precise account of the food, wages, term, and work stipulated for, as compared with the actual results, I can myself bear witness.

* Appx p. 206.

ADVANTAGES OF FREE EMIGRATION.

115. One very important point I do not find noticed in the Report, viz. the advantages to the labourer himself, to India generally, and to our Colonies, which the system of Indians going to serve in a Colony for a term affords. Yet there are few debated questions in which the weights should be put all into one scale. Hitherto I have been employed in endeavouring to lighten the scale into which the Report has thrown so much. Upon the considerations which tell on the other side, luckily a very few words indeed are needed.

To the Labourer.

116. Dr. Wise reports that in Beerbhoom, from whence many of the Coolies have gone, a native will carry a box for 254 miles for 2½ Rupees. The wages of a

(a) Ramdeen says, " I cannot understand why the Government should prevent us going back." (p. 2) I agree with Ramdeen.

(b) " The ignorance of these Boona Coolies is such that they cannot be made to comprehend where the " Island lies, to which they are to be transported, but the rest of the agreement they are quite capable of " understanding." Dr. Wise's paper, Appx. p 333.

strong export labourer are 2 pice a day, or less than one Rupee a month. On this his wife and family have to be fed and clothed. The necessaries of life are procurable there with great difficulty, and many men leave their families every year for months to obtain work in the plains.* The emigrant going from thence to Mauritius obtains better and more abundant food and clothes than he ever had in his life before, with wages of five Rupees a month besides, and in five years he may return with 250 Rupees or more, which must be enough to support his family at the rate of wages of the district, for more than ten years. If he remains longer abroad, he may get 10 Rupees a month money wages. With a better law of contract, I have little doubt he could get that increased pay in two years. The change of circumstances is as great as it would be were a half starved Irish link boy to be fed, clothed, and paid like a gentleman's butler. The return with what is to them a large fortune is no idle hope. Out of a batch, composed of seventeen male Coolies by the John Bagshaw, lately returned, we find that they have brought back on an average above Rupees 145 each; one had Rupees 300, two had Rupees 250 each, one had Rupees 240, and one Rupees 200. One, who was pronounced a great drunkard, had nothing, and another of the same character, had very little. Another batch of eight men, from the same ship, have brought back, each on an average, the same amount, viz. Rupees 145. All these men were well dressed, and had a very fat, healthy appearance. The contrast between them and a batch of Coolies going would be very striking.

* Appendix, p. 336.

117. Now is a natural process, which has such results as this, to the persons chiefly concerned, to be violently arrested by clamor, and by the misuse of words, which likens it to the Slave Trade? Because, to the shame of European civilization, slavery once existed in the West Indies, must free laborers in the East Indies now be condemned to starve on three farthings a day, when plenty and wealth are offered to them? As slavery existed in the British Colonies towards its close, I do not see that it would be very imperfectly defined by calling it the condition of a class of laborers, set apart from all other classes, who, by the special interference of a power they could not oppose, were denied their natural rights in regard to removal from one place to another, and disposal of their labor. In what does this definition fail, if applied to the present legal condition of the laboring class in India, as regards the transfer of their labor to places beyond sea? Yet this legal condition is insisted upon as a permanent regulation, and is defended in popular assemblies by the common places of emancipation. Slavery was indeed a curse; but if this law is to be made permanent, in order to gratify such delusion as this, the curse of slavery was not removed when slavery by that name was abolished.

118. I need not dwell on the advantages of the system to India. What benefits a poor Indian in so far benefits his country; but the benefit in this case does not stop with the family raised from poverty to affluence. The character of the returned laborer will be better. In five years he has worked harder, and made more money, and lived in greater comfort, than he had before conceived to be possible. He has learned that success attends exertion. His desires are multiplied, and his powers and activity are increased. He has become a man of

To India.

forehought. (a) The return of such men, with fortunes, to their native villages, cannot but do general good. We are all trying to improve the character and happiness of the people whose bread we eat; and we all feel every day how little human efforts avail in such a labor. Shall we forget how little has ever been done by premeditating philanthropy; how much by common sense, taking advantage in a natural way of the opportunities which Providence affords? We are willing enough to lecture the few, which is very good in its way; but why should we prevent the operation of a lesson which nature offers to teach us, not to a few learned persons, but directly to the mass of the people?

To the Colonies.

119. I have throughout received this question as it affects Indian interests, to which the objects of our Committee are confined. There is reason to think that the existence of Mauritius as a thriving Colony depends upon its being allowed to induce, by natural and fair means, laborers to resort to it from other places. How far this is the case with other tropical Colonies, we have no evidence. We must never forget that these Colonies have been placed in their present false position by the laws of the mother country, which originally fostered Slavery and the Slave Trade. And from the noble manner in which the emancipation was effected, we cannot doubt the anxiety of the British Legislature to alleviate, by every legitimate means, the evil consequences of past errors. This consideration, therefore, will surely be well weighed in the proper place. But even purely Indian objects should, in my opinion, prevent all connected with India from overlooking this part of the question. The interest of each portion of the Empire is best promoted by equal justice to all portions. I firmly believe that this is true, in respect to every Colony: but no one can doubt that it is pointedly true, in respect to India. If we are to rely upon the selfish struggles of rival interests, we know by experience our comparative weakness. In such a struggle we fight alone, and we have not a chance against the veteran strength opposed to us. But whenever we struggle only to make good the application of the principle of equal justice to all, we fight with the support of a daily increasing mass of intelligence and honesty; and in whatever point we succeed in this struggle, we know by experience how great is the gain. Those who should place any monopoly in competition with the benefit to India of equal laws, would have but a poor opinion of the resources of this immense empire. Yet with what face can we urge our claim to be put on a footing with others in things which they have and we want, if we would partially enslave our own population, rather than let others have that labor which to them is a necessary of life, and which we cannot use?

Conclusion.
As to British Colonies.

120. I conclude then that, as far as our information goes, the whole of the evils which attended the export of Indian laborers to our own Colonies were casual, and may by good regulation be prevented for the future; that the direct advantages

(a) When I told the Coolies by the "John Bagshaw" that I could get them treasury Bills upon their districts for their money, to save them from the chance of losing it on their journey home, they asked me whether they should be charged premium When I advised them to take care they were not robbed or cozened of their money in the bazar, on first landing, one of them said, "Sir, we have become very prudent "[*hoshyar*] we have passed five years amongst the French who are very prudent people. We are able to take "care of ourselves."

of the emigration are great, whilst the indirect advantages are incalculable; consequently that free emigration from India to our own Colonies ought to be permitted under such regulations in India and in the Colonies as may afford a reasonable expectation of preventing the recurrence of the evils heretofore experienced. As far as Mauritius is concerned, I regard our information as complete; and therefore there can, in my opinion, be no reason to delay the opening of that Colony, beyond the time when the Colonial laws and institutions shall be pronounced to be, in all that concerns this question, in a satisfactory state. Not having complete information in regard to our other Colonies, I cannot conclude with equal confidence as to them; but I see no reason to suspect that any evils that may have been experienced in those Colonies are not remediable by proper measures, in the same manner as in Mauritius. Consequently my belief is, that the conclusion applies equally to all our Colonies.

As to Foreign Colonies.

121. In regard to Bourbon, the only foreign Colony to which Indian laborers have gone in large numbers, we have no information. There are however, strong grounds for suspecting that abuses may exist there in a higher degree than in Mauritius, from the circumstance of Bourbon being still a Slave Colony. In my opinion that fact alone affects the case very materially. The Government of that Colony has shewn a strong desire to protect imported laborers, by the enactment of protective laws. But the state of the law is a small matter, compared with the state of feeling and the administration of the law, whereof we know nothing. I cannot imagine an Island of which the population consists of a few white masters, a large number of black slaves, and a large number of free black foreigners, being an eligible habitation for the last mentioned class. The Crown cannot know that the Indian laborer there gets justice in all respects like a French laborer in his own country; and if he do not, it cannot afford him protection. This is not the case of a few stray laborers leaving their country to go to a foreign land; a case which might certainly be disregarded by the law. But this is a case where British subjects would be annually exported, systematically, and by thousands. If, therefore, there is need of interference, the importance of the matter demands legislation. Since the prohibitory Act of the Indian Government the exportation of laborers from Pondicherry has been stopped. If any British ports are again opened, Pondicherry may very probably again be opened. I do not deny that this is a point which is involved in some difficulty; but as our legislation will affect only our fellow subjects, whose protection is our first duty, we have no right, merely because foreign interests are concerned, to refuse to legislate for them in such manner as is most conducive to their good, whether in the way of restriction, or in the way of relaxation. (*a*) I believe, however, that

(*a*) See paragraphs 30 to 32 of the Report on this point. The argument of those passages is that, if we permit a free circulation of labor in our own dominions in regard to our Indian fellow subjects, we shall be in a bad position when we endeavour to persuade Foreign States to abolish the Slave Trade. I cannot admit this paradox till the freedom I support shall be demonstrated to be slavery. In my opinion the less we interfere with the natural freedom of our own laborers, the more effect will our arguments in favor of free labor have with other nations. I hope that we never shall be placed in the trying situation of having to choose between partially enslaving our own laborers in practice, or abandoning the cause of foreign slaves, in theory. The argument we are recommended to hold to the emancipated slave colonies, to my mind, is this: formerly you had nothing but slave labor; slave labor is an abomination: therefore we shall now do all we can to prevent your having free labor.

it will only be necessary to prevent British subjects being inveigled or carried by force into foreign territories on the Indian Continent. If all persons conducting laborers into those territories are subjected to proper regulations, whereby it may be certain that every laborer so proceeding shall be made aware that he is liable to be taken beyond sea, without the protection of the British Government; and whereby the option of turning back shall be freely afforded him, I do not think that any abuse is likely to occur. But conceiving this to be a point in which the Madras Committee must have a great deal more information than we have, I shall say no more upon it.

What sort of Regulations are proposed.

122. The sort of laws which I would suggest, and which in my opinion would be sufficient for regulating the system of emigration from India, may be gathered from what I have said when touching upon the several abuses to be guarded against.

123. In India it would be necessary to limit emigration to certain ports, which might be most conveniently named from time to time by the Executive Government. The necessity of regulating the system involves the necessity of limiting it to places where means can be provided for the enforcement of the regulations. At each port of embarkation, a protector of Indian emigrants might be appointed, having no connexion with the Police, and no power to punish. He might probably conduct his duty with a very small establishment. At any rate the one or two Clerks and Chuprassees whom he may require should have no interest in the matter. At his office he might examine leisurely, one by one, and without the presence of any party interested in the system, every laborer who should come to him professing a desire to embark. After making sure that the laborer fully understands what he undertakes, and that he is acting voluntarily, the protector might make out a certificate containing a description of the holder's person. A Registry of all Certificates containing the date of examination, and all particulars, might be kept. The system of passing Coolies in batches might be forbidden. It might be the protector's duty to see that no force, or show of force (such as marching Coolies about in gangs under Burkendauses) should be allowed; and to make it well understood by all that if any laborer, at any moment, chooses to change his mind as to going abroad, no summary interference with him will be permitted. The certificate might, within a limited time from its date, be a sufficient warrant to any Master of a vessel, who had obtained authority from the protector for conveying emigrants, to receive the holder on board. The protector might refuse to grant such authority, unless convinced that the Master and Officers are by experience, temper, character, &c. suited for such a duty as the conveyance of Indian laborers. Before the ship breaks ground, the protector might proceed on board, and grant a final Permit to the Master to sail with such laborers as then and there produce their certificates, and still testify their desire to proceed; provided he be satisfied that all regulations concerning space, food, water, ventilation, medicine, &c. have been duly attended to. In regard to space and water the regulations might be more liberal, in favor of the emigrant, than the old regulations. Security in the shape of a deposit of stock paper for the return passage of the laborer might be insisted upon. A very small amount of security would suffice for laborers going to Mauritius, whence the return passage is cheap.

124. I conceive that a law of the Imperial Legislature would be necessary in order to insure, on the part of Masters and Owners of vessels, obedience to such regulations as the Indian Government might frame, and to render breach of the same on shore or at sea, punishable in any part of the British dominions. To prevent smuggling Indians to foreign parts, contrary to law, all vessels trading in British water, and British vessels every where might be liable to search by Men of War expressly with this object; and a proper penalty for every Indian laboring man found on board, contrary to law, might be imposed. If more than a very small number should so be found, the penalty might well be confiscation.

125. Permission might be refused by the Government of India to ship emigrants to any Colony where, in the opinion of that Government, the law applicable to such emigrants is not in all respects such as is suitable for free men of that class; and where adequate practical facilities, considering the circumstances of the emigrants are not afforded by the Colonial Forms of Procedure and Institutions. In regard to law in the Colony, no power to retain laborers within the limits of an Estate, nor otherwise to interfere with their liberty out of working hours, nor to inflict corporal punishment upon them, nor to inflict any other punishment upon them otherwise than by the hands of public justice, should, in my opinion, be permitted. Breach of contract on either side should annul the bargain, in respect to the party breaking it, except that the contracting employer should be obliged to return the laborer, if called upon to do so. The terms of contracts should, I think, be shortened according to the distance of the Colony. Two years for Mauritius would certainly be ample. Taking the market rate of wages there at ten Rupees, and the contract rate at five, rations being the same, that would allow the contracting employer Rs. 120 for his expenses in importing and exporting again the contracting laborer. Because of the disadvantages under which the weaker party to the contract may often labor, from his original ignorance of circumstances known to the other party, and the nature of the bargain, I think he should have the power of freeing himself on paying the full charges of the other party, as proposed by Lord Glenelg. If this be not allowed I think there should be no remedy for breach against the weaker party, but by regular Civil action. After the first term I think no renewal should be allowed; but employer and working men should be left to make their own bargains for short terms, say for no term longer than six months. All bargains for terms, in anticipation of the expiry of existing bargains, should, I think, be invalid. One day of rest in seven, except upon pressing occasions, might be insisted upon. A class of laborers, who should work every day of the week, would drive laborers who work only six days out of the market. In regard to Legal Procedure, the appointment of competent interpreters would be indispensable. So also I think the institution of cheap and accessible Courts, competent to give laborers civil damages for ill-treatment on the voyage and in the Colony should be insisted on. Perhaps a Colonial protector of Indian laborers, to give advice, and generally to see that these poor people obtain their rights; to be the medium of communication between the laborer and his family, and to remit money to the laborer's home by a system of public bills; also to report on the arrival of each Cooly vessel to the protector at the Indian port whence it sailed, might be useful in the Colony as in India I think it would be better to confine the Police, and all other judicial officers, to their proper

duty of deciding disputes, and punishing offences, in cases where Indian laborers are concerned as in all other cases.

126. Where Indian laborers sail without contracts, for our own Colonies, it does not occur to me that any measures are necessary, except such as will insure them against being carried off involuntarily by fraud or force—Regulations such as are above contemplated as to be enforced in India would seem to me sufficient for this purpose.

127. A society has been formed in Mauritius, who propose to pay the expence of importing laborers from India, to be bound to send them home again, and to find them employment at five Rupees a month at least, leaving them to select their own masters, and to make their own bargains for better terms. I conceive that this scheme is not open to any reasonable objection. I have permission to append the papers relating to it, which have been forwarded by the Government of Mauritius to the Government of India.*

* Appx. to Minute No. 3.

Concluding reference to the difference of opinion in Committee.

128. I cannot conclude this Minute without apologising for its tedious length. All I can say is that I have found myself quite unable to explain in few words the grounds of my opinion, and to refer in sufficient detail to the evidence by which in my judgment, my conclusion is supported. I must again express the regret and diffidence with which I have differed from the majority upon the most important part of the question before us. But as the sole object of every one of our body has ever been to discover the truth, and to show it in a fair light to those whose duty it will be to decide upon the question, I am convinced that my fellow Committee men will lay to the right motive the anxiety I have felt in this great matter, to substantiate my view of the question. Perhaps an honest difference of opinion, such as this, which has elicited a full explanation of the different impressions which the same evidence has made upon different minds, that have all with equal candour been engaged in the same inquiry, may not be without its advantages.

J. P. GRANT.

1*st March*, 1841.

APPENDIX TO MINUTE No. 1.

ACT No. XIV. OF 1839.

Passed by the Hon'ble the President of the Council of India in Council, on the 27th May, 1839.

I. IT is hereby enacted, that Acts No. XXXII. of 1837 and No. V. of 1837 be repealed on the first day of July next.

II. And it is hereby enacted, that on and after the said first day of July next, every person who shall make with any Native of India any contract for labor to be performed in any British or Foreign Colony without the Territories of the East India Company, or who shall knowingly abet or aid any Native of India in emigrating from the said Territories for the purpose of being employed as a laborer, shall be liable, on conviction before a Magistrate or Justice of the Peace, to a fine not exceeding two hundred Rupees for every Native so contracted with, aided or abetted, and in default of payment of such fine, shall be liable to be imprisoned for a term not exceeding three months.

III. Provided always, that nothing in this Act contained shall be taken to apply to any Native Seaman who shall of his own free will contract to navigate any Vessel, or who shall embark on board such Vessel in pursuance of such contract, or to any person who shall contract to serve as a Menial Servant only, or who shall embark as such Menial Servant.

APPENDIX TO MINUTE No. 2.

No. 125.

From E. A. Blundell, Esq., Commissioner in the Tenasserim Provinces, to G. A. Bushby, Esq., Secretary to the Government of Bengal General Department, Fort William, dated the 9th September, 1840.

SIR,

I think it my duty to bring to the notice of the Right Honorable the Governor of Bengal the circumstance of the large and continued importation into this place of Coolies and women from the Ports on the Northern Coromandel Coast, chiefly Coringa. The Coolies come here, I have every reason to believe, in search of work, and of their own accord, in the same manner as for very many years they have been in the habit of resorting to the Settlement in the Straits of Malacca, but some doubts may be entertained as to the freedom of action under which the

women are brought here. It may be wrong perhaps to apply the word "prostitute" indiscriminately to all of them. Their object appears to be to secure a temporary establishment with their fellow countrymen residing here either as fixed residents, or Sepoys and Military followers. On the arrival of a vessel from the Coast these individuals go on board, and selecting a woman, pay the Commander for her passage and she follows him ashore on an agreement being made for supporting her. These transactions though perhaps consonant with Native ideas yet certainly wear the appearance of illegality, and in all probability there are among them some instances of actual forcible sale of the persons of women.

Circumstanced as this country is with regard to population, the free and voluntary imigration of men and women from different parts of India is a circumstance to be rejoiced at, but it is a matter so liable to abuse among the Natives, more especially as regards women, that I beg His Lordship's consideration of the subject, and would suggest that some arrangement be made by the authorities on the Coast whereby we may be assured that the imigrants arriving in any vessel have come of their own free will and are in no manner under restraint.

I have the honor to be, &c.,

(Signed) E. A. BLUNDELL,

Commissioner in the Tenasserim Provinces.

MOULMAIN,
The 9th September, 1840.

From G. A. Smith, Esq. Collector of Rajahmundry, to the Chief Secretary to Government, Fort St. George, dated the 3d September, 1840.

SIR,

I consider it right to bring to the notice of Government, that a good many Natives from different parts of the country are, at present, proceeding to Moulmein, as passengers, on board the Native Vessels sailing from Coringa. They belong principally to the classes of Washermen, Tailors, Barbers, Weavers and such classes as are likely to find employment in an increasing community, and it is probable, that their presence may be beneficial; at the same time. the unexpected debarkation of a number of strangers, whose characters are unknown, and who are without the apparent immediate means of maintaining themselves, may be embarrassing. I should be the last person (the more especially in the present depressed state of this part of the country) to wish to offer any impediment to persons desirous of taking their labor to the best market, at the same time, there are two or three points on which Government may consider a little precaution necessary, viz. 1st, that the persons should have the means of supporting themselves to some extent on their arrival at Moulmein, or should know somebody there likely to receive them in the first instance; 2d, that the Commanders of Vessels should be warned against a practice, which I have reason to believe prevails of taking persons of this description without payment in the first instance on the speculation of

turning their labor to account, and thus making the transaction of an under hand and doubtful nature; and 3d, the Commanders of Vessels taking passengers of this description, should be subject to some obligation, for the due provision of food and water, so as to provide, as far as possible, against the misery, which would ensue in the event of one of these vessels meeting bad weather, and being driven out of its course.

I have the honor to be, &c.,

(Signed) G. A. SMITH, *Collector.*

ZILLAH RAJAMUNDRY,
COLLECTOR'S OFFICE,
Cocanada, 3d Sept. 1840.

PUBLIC DEPARTMENT, (No. 998.)

From Robert Clerk, Esq., Secretary to Government, Ootacamund, to the Collector of Rajahmundry, dated the 15th September, 1840.

SIR,

I am directed to acknowledge the receipt of your Letter of the 3d Instant, No. 21, and to inform you that the Right Honorable the Governor in Council is unwilling to place any restraint on the Natives of the Provinces subject to this Presidency, who are desirous of seeking a livelihood at Moulmein.

I have the honor to be, &c.

(Signed) ROBERT CLERK,
Secretary to Govt.

OOTACAMUND,
15th September, 1840.

(True Copies,)

(Signed) ROBERT CLERK,
Secretary to Government.

No. 26.

From G. A. Smith, Esq., Collector of Rajahmundry, to the Chief Secretary to Government, Fort St. George, dated the 17th November, 1840.

Para. 1. I have the honour to acknowledge the receipt of the Extract from the Minutes of Consultation of Government of 29th ultimo, forwarding, for enquiry and report, copy of a letter received from the Secretary to the Government of Bengal, enclosing copy of a letter from the Commissioner of the Tenasserim Provinces, on the subject of a large and continued importation of men and women from this Coast, respecting which he observes—"Circumstanced as this country is, with "regard to population, the free and voluntary emigration of men and women from

"different parts of India is a circumstance to be rejoiced at, but it is a matter "so liable to abuse among the Natives, more especially as regards women, that I "beg His Lordship's consideration of the subject, and would suggest that some "arrangement be made by the authorities on the Coast, whereby we may be "assured that the emigrants arriving in any vessel have come of their own free "will and are in no manner under restraint."

2. In reply, I beg leave to state that within the last ten years, this District has suffered from two years of famine, 1832 and 1838, besides the awful storm and inundation of the sea on the 16th November 1839, while at the same time the trade in Punjum cloth, the staple manufacture of the District, has been gradually declining. The distress thus caused has naturally obliged the inhabitants to look for other than the common resources of the District for employment. To the able bodied of suitable constitutions and otherwise unobjectionable, the Army furnishes a very wide field for employment. There are many, however, who, though willing, are prevented from make or constitutional defects from taking advantage of this opening, and when the emigration of Coolies to the Mauritius was allowed, many of this description had recourse to that source of employment. The emigration to the Tenasserim Provinces alluded to by the Commissioner, is one dictated by necessity, and is certainly perfectly voluntary, but its extent and possibility of abuse attracted my attention, and I considered it right as shown by my letter of 3d September last, that Government should be acquainted with the fact, when it was considered that interference was not necessary.

Vide Govt. letter No 998 of 15th September 1840.

3. Every Native vessel, leaving the Port of Coringa, is examined, with reference to the order of Government of 14th January 1840, for the purpose of ascertaining that no children are taken away as slaves, and nothing would be easier than the adoption of any simple rule, should it be considered desirable, for ascertaining that the embarkation of both men and women from Coringa for the Tenasserim Provinces, is voluntary.

I have the honor to be, &c.,

(Signed) G. A. SMITH, *Collector.*

ZILLAH RAJAHMUNDRY,
COLLECTOR'S CIRCUIT CUTCHERRY,
Vudlanoor, 17*th November*, 1840.

No. 77.

From R. A. Bannerman, Esq., Collector of Ganjam, to the Chief Secretary to Government, Fort St. George, dated 27th November, 1840.

SIR,

I have the honor to acknowledge the receipt of the Extract from the Minutes of Consultation of Government under date the 29th ultimo, and to request that you will state for the information of the Right Hon'ble the Governor

in Council, that upon enquiry it appears that no vessel has sailed from either of the Ports in this District for Moulmein, during the last five years.

I have the honor to be, &c.,

(Signed) R. A. BANNERMAN,

Collector.

GANJAM DISTRICT,
COLLECTOR'S CUTCHERRY,
Ganjam, 27th November, 1840.

No. 670.

From W. U. Arbuthnot, Collector of Vizagapatam, to the Secretary to Government in the Marine Department, Fort St. George, dated the 3d December, 1840.

SIR,

Para. 1. I have the honor to acknowledge the receipt of an Extract from the Minutes of Consultation, under date the 29th October last, forwarding a letter from the Secretary to the Government of Bengal, relative to the imigration of the inhabitants of the Northern Division into Moulmein, and to state in reply that I have instituted an enquiry at the different Ports of this District.

2. It would appear that there is very little direct communication between this District and Moulmein. A few vessels do sail to that Coast from Vizagapatam and Bimlipatam, and I have ascertained from the Owners of the vessels and respectable traders that the number of passengers by them has been very inconsiderable.

3. There can however be no doubt that, from the very adverse nature of the seasons during the last five or six years and the consequent high price of food a good many of the poorer classes have emigrated from the District, and I have reason to believe some of them have embarked at Coringa for the Eastward. But this emigration has been entirely voluntary, and having originated in the cause above mentioned, is not open, in my opinion, to any objection.

I have the honor to be, &c.,

(Signed) W. U. ARBUTHNOT, *Collector.*

VIZAGAPATAM DISTRICT,
VIZIANAGRUM COLLECTOR'S
CIRCUIT CUTCHERRY,
3d December, 1840.

No. 11.

From P. Grant, Esq., Collector of Masulipatam, to the Chief Secretary to Government, dated the 18th December, 1840.

SIR,

1. I have the honor to acknowledge the receipt of an Extract from the Minutes of Consultation, dated the 29th October last, transmitting copies of letters from the Commissioner in the Tenasserim Provinces and the Secretary to the Government of India under dates the 9th September and 7th October last respectively, and directing inquiries to be instituted as to the manner in which Coolies and Women referred to in the former letter are imported from the Northern Coromandel Coast into Moulmein.

2. From the result of the most diligent enquiries which I have caused to be instituted into this important subject it does not appear that either Coolies or Women have at any time taken their passage or were exported from the Port of Masulipatam to any part of the Tenasserim Coast.

3. Instructions have, however, been issued to the Superintendent of Sea Customs to enquire into and report all the circumstances connected with the emigration of such persons should such an event take place hereafter.

I have the honor to be, &c.,

(Signed) P. GRANT, *Collector.*

MASULIPATAM,
COLLECTOR'S CUTCHERRY,
18*th December*, 1840.

(True Copies,)

(Signed) ROBERT CLERK,
Secretary to Government.

APPENDIX TO MINUTE No. 3.

To the Secretary to the Government of India, &c. &c. &c.

SIR,

1. In pursuance of the instructions of Governor Sir William Nicolay I have the honor to forward a correspondence which has lately passed here with a Committee of Commercial Gentlemen, who are desirous of introducing laborers from India on terms that would obviate all objection to their emigration.

2. As the basis of the proposed plan is to leave the Indian Emigrant the full benefit of his own labour, His Excellency considers that it deserves the favorable consideration of the Government of India, and he trusts that the advantages offered by it will have the effect of leading to a modification of those restrictions upon

Emigration enacted last year, which preclude the possibility of Indian Laborers leaving their own country; and which as intimated to you in my letter of the 26th October last, the Governor hoped would take place after the Government of India had received the several Reports into the state and condition of the Laborers here.

I have the honor to be, &c.,

(Signed) GEO. F. DICK, *Colonial Secretary.*

COLONIAL SECRETARY'S OFFICE,
The 19th February, 1840.

Extract from Correspondence.

It is proposed by the undersigned to afford relief to the present urgent and imperative demand which prevails in the Colony for Agricultural Labor, by the encouragement of Emigration of the Natives of India into the Mauritius with their families on a system entirely favorable to the poorer class of Natives who would be enabled to visit this Island free of expence, without any written contract of service whatever, and would be entirely free on their arrival to profit by the highest rate of wages obtainable, whilst the power of returning to their Native country, should they desire it, would be secured to them free of charge at the expiration of five years.

The following are the details of the proposed system.

1ST.

The sanction of the Local Government to be solicited for the formation of a Committee, consisting of six persons, with an Officer to be appointed by the Government to be termed the "Emigration Committee," upon which the following duties would devolve.

They would raise funds by such means as they might think advisable, and have the free and uncontrolled use of them for defraying the expence attending the Emigration of Free Laborers from India.

They would establish one or more Agencies in India under the control and with the sanction of the Local Government for assisting and superintending the orderly embarkation of Emigrants in strict conformity with the laws.

They would receive the Emigrants upon their arrival in Port Louis, and be responsible to the Local Government for their hospitable and humane treatment until they shall have obtained employment.

They would furnish to the Local Government a guarantee against any individual becoming an onus upon society here, also for the return of any Emigrant free of expense, should he or she demand it, after five years employment in any service whatever in the Colony.

They would furnish Bond for any penalty the Government, either of India or this Island might exact, in case of any deviation from the existing laws on the part of themselves or their Agents.

It is proposed to appoint an Agent of the highest character and standing, approved by the Governments of Mauritius and India, to represent the Committee in Bengal and to superintend all its proceedings in that conntry, who would be paid a fixed salary, and that of so liberal a description as to put all motives of personal interest out of the question.

2ND.

Agents to be appointed, if necessary, to carry on the business of the Committee at Madras or Bombay, or eleswhere, also with the approval of the Indian Government.

3RD.

The Government of India to be invited to adjoin to the responsible Agents of the Committee, an Officer of their selection to superintend the system of Emigration.

4TH.

It is proposed to furnish to adult Natives of India, of robust constitution and good character, of either sex, who may be willing to emigrate from any part of India to the Mauritius for the avowed purpose of procuring employment at an advantageous rate of wages.

The following assistance and advantages—

1st. Free passage from India to this Island.

2d. Two suits of Clothing consisting of ————.

3d. One Brass Pot.

4th. One Blanket.

5th. Days lodging and food previous to their embarkation, if necessary.

6th. Ten days lodging and food upon their arrival in the Mauritius (if not employed before the expiration of that time) they may be enabled to choose employment without being forced into any hurried engagement.

7th. Hospital treatment free of charge should they arrive in ill health.

8th. Medical attendance during the passage from India.

9th. A free passage back to their Native country after five years employment in this Island.

5TH.

In order to provide for the emigration of Families the Committee would afford assistance to Children on condition of the appropriation of one-fourth of the wages of both the Father and Mother in reimbursement of the outlay incurred for them.

Those introduced under the age of fourteen years would have no claim on the Committee for their return passage to India.

6TH.

The Emigrants would arrive in the Mauritius free from any engagement of service whatever, and be free to profit by the highest rate of wages the Colony affords, to which end the Committee would afford them any assistance in their power.

7TH.

A detailed Statement of the nature of employment which the Colony affords, with the customary hours of work, and the rate of wages and allowances now current, to be prepared and fully explained by the Agent of the Committee to every Emigrant previous to embarkation.

8TH.

The Government to be solicited to pass a law, fixing a scale of rations to which every Indian employed in this Colony in Agricultural labor is entitled from his employer, and which is recommended to be as follows, viz.

Per Month—

lbs. Rice	See annexed scale of Rations.
lbs. Dholl.....	
lbs. Ghee	
oz. Salt	
lbs. Salt Fish.....	

9TH.

It is calculated, that the expence attending the emigration of an adult Native from India, would be as follows:

1st.	Victualling during the delay of the vessel until embarkation, say 10 days, ...	Co.'s Rs.	1	0	0
2d.	Clothing,.....	„	4	0	0
3d.	Blanket, ...	„	1	0	0
4th.	Brass Pot, ...	„	1	0	6
5th.	Provisions for the voyage,.....	„	3	0	8
6th.	Passage Money,.....	„	35	0	0
7th.	Medical attendance on board ship, ...	„	4	0	0
8th.	Incidental charges,.....	„	2	0	0
	Actual outlay for each adult, ...	Co.'s Rs.	51	0	14
	For the liabilities of the Committee.				
1st.	Hospital-expences on arrival, ...	„	1	0	0
2d.	Return passage,.....	„	15	0	0
3d.	Expenses of Agency and other charges incurred by the Committee,.....	„	15	0	0
	Total Expence of Emigration, ...	Co.'s Rs.	82	0	14

10TH.

It is calculated, that a sum of Twenty Thousand Pounds would be sufficient to furnish the expences of the number of Emigrants it would be desirable to assist during the first six months.

11TH.

It is proposed to solicit the advance of the above sum of £20,000 from the Local Government of the Colony, the Committee guaranteeing its re-payment in such a manner and at such periods as meet the wishes of His Excellency the Governor.

12TH.

The sum advanced by the Committee would be re-paid them by the parties who receive the Emigrants into their services upon their arrival, in virtue of engagements entered into with the Committee in the following sense :

" I, A. B, hereby engage to employ upon their arrival from India (if willing to enter my service)

" Men with or without their families as they may be, during a term of twelve months or less, at a rate of wages to be agreed with the individuals upon their arrival, and which can in no case be less than Company's Rupees Five per men, and Three Company's Rupees per month for Women during the year 1840. I further bind myself to supply them with rations according to the scale established by Government, lodging and medical attendance. And I promise to pay to the Emigration Committee, the charges they may declare to be due to them attending the emigration of each individual employed by me."

13TH.

In order to insure the re-payment of the outlay made by the Committee by those who receive the Emigrants into their service on their arrival, and who have not taken the engagement described in Article 12th, the Local Government to be solicited to pass a law, making any person employing an Emigrant introduced through the Emigration Committee, responsible to them for the charges incurred for the individual.

This liability to extend to a period of twelve months after the arrival of the Emigrant in the Colony. Any person employing an Emigrant otherwise than through the Committee within twelve months after his arrival, to be bound to make declaration of his doing so at the office of the Committee, under a penalty of Ten Pounds for each individual, over and above the charges due to the Committee.

14TH.

In order to furnish proof of the certainty of employment which awaits the Emigrant on his arrival in the Mauritius, the Committee would furnish to the Government either of India or the Colony, if required, a Statement of the number of hands for which demand shall have been made at their office.

15TH.

Upon the arrival of any number of Emigrants in Port Louis, the Committee would give notice to the public through the Gazettes or Newspapers of the Colony, in order that the newcomers may profit by the highest offers of those who require their services.

16TH.

It is hoped that the social condition of the Emigrants would not only be greatly improved by their visiting this Colony, as has already been the case with the

Indians already introduced, especially as regards their health, appearance and habits of industry. But also that a desirable moral influence might be established amongst them, by the formation of Schools for the Children under the direction of the Committee.

17TH.

Serious complaints having arisen from the alleged neglectful manner in which the Indians who were introduced in the Colony under engagements of service, were embarked in Calcutta on board of crowded vessels, without sufficient care for their protection or comfort, in opposition to the declared wishes and positive instructions of those to whom the laborers were engaged. The Committee would pledge themselves to make the case of the Emigrants on board ship a primary object.

18TH.

Lastly. The Committee would select a Confidential Agent, approved of by the Local Government, who would proceed to England with as little delay as possible, for the purpose of promoting the success of the present object.

(Signed) EDWARD ARBUTHNOT.
" C. C. BROWNRIGG.
" JNO. T. ROWLANDSON.
" HENRY BARLOW.
" ROBERT BULLEN.
" EDWARD CHAPMAN.

PORT LOUIS, MAURITIUS,
17*th December*, 1839.

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ABSTRACT OF MINUTE.

Para.

1. Unable to concur with the Report.
2. Point on which difference occurs explained, viz. the possibility or otherwise of removing the abuses without prohibiting emigration.
3. Views of the several Members of the Committee mentioned.
4 & 5. ORIGIN OF THE INQUIRY—Sketch of the History of the system of emigration to be enquired into—state of the Law in the Colonies.
6. Public feeling became excited against the system—Petition—Counter-petition in Calcutta—Emigration under Contract limited.
7. Appointment of this Committee and of Committees at Madras, Bombay and Mauritius—Emigration under Contract stopped—Law prohibiting all emigration of Indian Laborers provisionally passed.
8. PROHIBITORY ACT EXAMINED—It applies to emigrating not under Contract, which has not been a subject of abuse.
9. The practical effects of this Law adverted to.
10. This Law goes beyond the case alleged—remarks on its rigor—its policy doubted.
11. Opinion against this Law apart from the question of emigration under Contract.
12. COOLY QUESTION EXAMINED—The point of the inquiry stated, making the needful admissions on both sides.
13. Remarks on the general principle of free labor and free movement—to warrant restriction in these matters a strong case of necessity must be made out.
14 & 15. Before examining the facts of the case a preliminary question treated, viz. *the effect of emigration on the freed men of the old Slave Colonies*—This is no ground for *General* Legislation.
16. No ground of objection to free emigration for this reason in regard to Mauritius.
17. This objection applicable only to old Slave Colonies.
18. *Alleged evils of emigration under Contract as regards the emigrant* considered—Caution requisite.
19. The alleged evils must be examined in detail, each by itself—All classed into three divisions, viz. (1) Abuses in India; (2) Abuses on the passage; (3) Abuses in the Colony.
20. ABUSES IN INDIA CONSIDERED—1*st*. *Kidnapping*—The existence of this abuse before the Regulation of 1837 is immaterial.
21. Since 1827 it has been much checked.
22. Faults attributed to the Regulations and Practice of 1837—Suggestions.

Para.

23. Opinion that this abuse may be entirely prevented by improved Regulation.

24 & 25. 2*d. Fear of Police inducing Coolies unwillingly to consent to go*—Existence of this abuse proved.

26 & 27. This evil caused by making the Police the Protectors.

28. How this abuse may be avoided.

29. Remarks on unsuitableness of Police to be the Protectors.

30 & 31. 3*d. False imprisonment*—Its existence to a great extent proved—attention drawn to the fact.

32. Opinion that this abuse can easily be wholly prevented as it actually was prevented in the 24-Pergunnahs.

33. And that the prohibition of emigration is no remedy for this evil, the two things having no exclusive connexion with each other.

34. Marching Coolies to Police under guards, a part of the same system.

35. So also marching Coolies on boardship, like Convicts.

36. Hence argument against employing Police as Protectors—Under a better system, such as is suggested, these abuses would not occur.

37. 4*th. Laborers deceived into coming from their homes to Calcutta*—Existence of this abuse proved; —but if the system be made otherwise good, this abuse will be no worse in the case of these laborers than in all other cases of hiring for terms.

38. Since 1837 this deceit not extensively carried up to moment of embarkation.

39. Case of the "Hesperus" however to the contrary.

40. 5*th. Cheating Coolies out of their advance*—Existence of this abuse to a great extent proved.

41. This abuse is avoidable by disallowing payment in advance.

42. Such a measure justified.

43. Opinion in favour of disallowing all advances.

44. *Conclusion*, that this class of evils can be removed by sound Regulation.

45. Abuses on Shipboard considered—Great hardships on shipboard do not appear to have been generally experienced—only occasionally.

46. Abuses on shipboard before 1837 immaterial.

47. 1. *Food*—Plenty, both before and after 1837.

48. 2. *Water*—Often too little for comfort even after 1837—a larger allowance recommended.

49. 3. *Accommodation*—Often too narrow—a larger allowance recommended.

50. 4. *General Treatment*—No complaints from Coolies.

51. Occasional bad treatment proved by Pilots.

52. General good treatment proved by Pilots.

53 to 56. Other evidence showing perhaps occasional bad treatment, but general good treatment.

57. Disagreement with Report on this point.

58. 5. *Drowning and jumping overboard* discussed.

59. Accidental drowning not frequent.

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60 to 63. Cases of voluntary jumping overboard discussed—Reasons for not attributing this to insupportable treatment on board.

64. 6. *Other causes of mortality* discussed.

65. Mortality before 1837 occasionally excessive.

66. Great improvement in health after 1837, and mortality moderate.

67. 7. *Health*—Generally good, occasionally not good, and in some cases very bad.

68. Case of murder on board "Hesperus."

69. Observations thereon.

70. *Conclusion on abuses on Shipboard*—That such as existed are easily remedied—Suggestions.

71. Opinion as to Surgeons on shipboard.

72. Why it was necessary to treat at length this point.

73. ABUSES IN THE COLONY considered.

74. General views with reference to the circumstances of Mauritius.

75. Expectations of free Indian Laborers.

76. Notions of the Colonists as to free labor and the effects thereof.

77. The evils natural to the circumstances of the Colony are remediable and in process of being remedied.

78. The alleged abuses examined in detail.

79 to 82. 1. *Administration of Justice*—Not satisfactory—but since the jurisdiction given to Special Magistrates it has improved.

83. 2. *General treatment*—Good by some masters, bad by others.

84. Argument that with good laws the treatment must be good in all cases.

85. Proof of this argument.

86. Details.

87 to 91. Instances of bad treatment in Mauritius—Reason to believe that the practice of treating laborers as slave drivers would do, has been stopped.

92 & 93. Instances of good treatment in Mauritius.

94. Treatment of Indian Laborers in New South Wales.

95. 3. *Want of Women*—Opinion that this has been too strongly insisted on as an evil.

96 to 101. Distinction made between this sort of emigration and emigration for life—Argument that this is a matter which may safely and with advantage be left to itself.

102. 4. *Desertion by Coolies in the Colonies of their families in India*—Reasons for not relying on the Bancoorah and Maunbhoom Return.

103. Reasons for not imagining the existence of this evil to any great extent.

104. Suggestions for affording facilities to Coolies abroad for remitting money.

105. *Conclusion*, that the abuses in the Colony are all remediable.

106. MISCELLANEOUS REMARKS ON THE REPORT.

107 to 110. *Willingness of Indians to go abroad* for service—Reasons for disagreeing with the Report which maintains that few, if any, would go if they were not deceived.

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111 & 112. *Willingness of Indians to remain or return abroad* shewn in many instances.

113. Evidence of Coolies who returned since the Committee closed proceedings on the above two points.

114. *Capacity of Coolies to understand their bargain*—Reasons for disagreeing with Report which holds that the Coolies are often incapable of understanding the terms of contract.

115. ADVANTAGES OF FREE EMIGRATION remarked upon.

116 & 117. To the laborer.

118. To India generally.

119. To the Colonies; why this last advantage is important to a friend of India.

120. CONCLUSION UPON THE WHOLE QUESTION—As to Coolies going to British Colonies—Opinion in favor of freedom under Regulation.

121. As to Coolies going to Foreign Colonies—Bourbon being the only one to which the question applies practically—Distinction between the two cases—Opinion that perhaps regulations such as are proposed for British Colonies may, in practice, suffice—But reference suggested to Madras Committee's Report on this point.

122 to 127. Summary of the Regulations suggested.

128. Concluding reference to the difference of opinion in Committee.

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